

John H. Parrott to be postmaster at Pierpont, S. Dak. Office became presidential October 1, 1916.

James D. Snow to be postmaster at Midland, S. Dak. Office became presidential October 1, 1916.

TENNESSEE.

James W. Emison to be postmaster at Alamo, Tenn. Office became presidential October 1, 1916.

TEXAS.

H. C. Parker to be postmaster at Tenaha, Tex., in place of Giles Bowers, resigned.

Gustav R. Voigt to be postmaster at New Ulm, Tex. Office became presidential October 1, 1916.

UTAH.

Ida H. Merrill to be postmaster at Smithfield, Utah. Office became presidential October 1, 1916.

VIRGINIA.

William B. Dew to be postmaster at Sweet Briar, Va. Office became presidential October 1, 1916.

WEST VIRGINIA.

Scott Justice to be postmaster at Logan, W. Va., in place of James M. Moore, deceased.

Henry M. Walker to be postmaster at Madison, W. Va. Office became presidential January 1, 1917.

WISCONSIN.

Peter Cosgrove to be postmaster at Centuria, Wis. Office became presidential October 1, 1916.

Emma M. Du Frenne to be postmaster at Middleton, Wis. Office became presidential October 1, 1916.

George H. Hedquist to be postmaster at Goodman, Wis. Office became presidential October 1, 1916.

Hazel I. Hicks to be postmaster at Linden, Wis. Office became presidential October 1, 1916.

Arthur M. Howe to be postmaster at Elk Mound, Wis. Office became presidential October 1, 1916.

John Lindow to be postmaster at Manawa, Wis., in place of Herman Lindow, resigned.

William J. Neu to be postmaster at Three Lakes, Wis. Office became presidential October 1, 1916.

CONFIRMATION.

Executive nomination confirmed by the Senate January 10, 1917.

INTERSTATE COMMERCE COMMISSION.

Winthrop More Daniels to be a member of the Interstate Commerce Commission.

WITHDRAWAL.

Executive nomination withdrawn January 10, 1917.

First Lieut. William A. Copthorne, Coast Artillery Corps, detached officers' list, for appointment, by transfer, to be first lieutenant of Field Artillery.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 10, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art infinite in all Thine attributes, from whom all things proceed, help us to appreciate the dignity Thou hast conferred upon us as rational beings, that we may conform our ways to Thy ways, our will to Thy will, as revealed to the world amid the thunders of Sinai, emphasized in the Sermon on the Mount, by the parables which fell from the Master's lips, and in the example of His life; for Thine is the kingdom and the power and the glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1082. An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

The message also announced that the President had approved and signed bills of the following titles:

On December 27, 1916:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

On December 30, 1916:

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

SETTLEMENT OF INDUSTRIAL DISPUTES.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. Mr. Speaker, I rise to ask unanimous consent to print as a public document a work that has just been compiled by the Board of Mediation and Conciliation on railway strikes and lockouts. It comprises all of the legislation of this country and all of the legislation of all of the Governments of the world relating to the settlement of industrial disputes and as to the control of public-utility corporations.

The SPEAKER. The gentleman from Missouri asks to have printed as a public document a volume compiled by the Board of Mediation and Conciliation containing the laws upon this subject of every country under heaven. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, will the gentleman from Missouri agree to withdraw his request and introduce a resolution and let it go to the committee in the regular way? I do not like to object, but I may have to.

Mr. BORLAND. I think that is the proper course to take; that it ought to go to the Committee on Printing. I simply want to say at this time that this is a book that in the immediate future is going to be extremely valuable to Members of Congress. It is the only place where the information can be found.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of compulsory military service.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record on the subject of compulsory military service. Is there objection?

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Federal game law and regulations.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record on the subject of the Federal game law and regulations. Is there objection?

Mr. MANN. Does the gentleman mean the migratory-bird law?

Mr. DOOLITTLE. Yes.

Mr. MANN. That is not the Federal game law.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ALEXANDER F. MCCOLLAM.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have two days in which I may file a supplementary report on the bill (H. R. 17781) in behalf of Alexander F. McCollam. I filed the report (No. 1234, pt. 2), but there was some information left out of the report which came from the department and which did not get in, from some oversight, and I ask that I may have time to file a supplementary report, in order that it may be included.

The SPEAKER. The gentleman from California asks unanimous consent to have two days in which to file a supplementary report in the case of Alexander F. McCollam. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The unfinished business is House bill 15914. The House automatically goes into Committee of the Whole House on the state of the Union, with the gentleman from California [Mr. RAKER] in the chair.

THE VIRUS, SERUM, AND TOXIN ACT.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the

treatment of domestic animals, and for other purposes, with Mr. RAKER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15914, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

Mr. RUBEN. Mr. Chairman, this bill, H. R. 15914, is a bill which revises the act of 1913 relating to the preparation of viruses, serums, toxins, and analogous products used in the treatment of domestic animals. The act of 1913 was brought about by the use of serums in the treatment of hog cholera, and it became evident that in order to secure potent and pure serums all of the establishments that had to do with the manufacturing of this serum should be under the control of the Government of the United States. When the appropriation bill was up in 1913 we put into it the provisions which have since been known as the serum and virus act.

At that time there were possibly less than a dozen establishments in the United States that were manufacturing serum for the treatment of hog cholera. Since then the number has increased to between 80 and 90. We have now between 80 and 90 establishments in the United States which are manufacturing this serum and which are licensed under the provisions of the act of 1913.

In 1914, at the time of the breaking out of the foot-and-mouth disease, there was at least one place in the United States where it was thought beyond any doubt that foot-and-mouth disease occurred because of the fact that the hog-cholera serum contained in it the germs of the foot-and-mouth disease. The Department of Agriculture began at once investigations seeking to avoid the recurrence of such an evil, and I am glad to say that the Department of Agriculture has found a method of treatment under which serum can be made absolutely pure and all of the germs of any disease can be killed. That treatment is simply by a heating method, heating the serum up to a certain point, when all germs of any disease which it may contain will be destroyed, and that, too, without affecting in any way the potency of the serum.

This called to the attention of the Department of Agriculture the necessity of having a more rigid supervision of the manufacturing of serum, and this bill is brought in here to accomplish that purpose. I do not believe that there is any serious objection to the bill. The gentleman from Iowa [Mr. STEELE] introduced this measure, and he has taken great interest in it.

I now yield to him such time as he may desire to discuss it, and reserve the balance of my time after the completion of his statement.

Mr. STEELE of Iowa. Mr. Speaker, the virus-serum-toxin act as embodied in House bill 15914 is intended primarily to enable the Secretary of Agriculture to control the manufacture of serums which are sold for the prevention and cure of hog cholera. The United States Department of Agriculture and other scientific institutions have spent vast sums of money in research to discover the germ that has caused the death of millions of hogs annually for more than 30 years. This disease has resulted in loss and financial ruin to many of the hog producers of this country and indirectly has served to increase the cost of living to the many millions of consumers the world over through the resulting reduction in the pork supply.

A few years ago Dr. Dorset, a scientist in the employ and now the Chief of the Biochemic Division of the Bureau of Animal Industry, Department of Agriculture, discovered a serum that, when injected in a small dose, would immunize the hog against this fatal disease. After thorough scientific investigation and following successful field experiments the United States Department of Agriculture gave the formula to the public. Many competent and trustworthy veterinarians in the department, seeing the many possibilities of this discovery, resigned their positions in the department and proceeded to build establishments for the manufacture of this serum, which they sold at a price which was very remunerative to them. The hog producers of the country, believing that the Department of Agriculture would not recommend this serum if it was not trustworthy, made a great demand upon the few commercial establishments engaged in the business, and those establishments made enormous profits.

Upon this showing many unscrupulous men who knew little of the methods necessary to make pure and potent serum went into the business, and as a result of the action of these men much harm was done, and in many cases hog cholera was produced instead of being prevented. The untrustworthy and unreliable serum which was thus placed on the market created a

distrust of the serum among the hog producers of the country, and even caused some of them to condemn the Department of Agriculture for putting out a fake remedy, which not only caused the farmers to lose the money spent for the serum but also the hogs which the serum was supposed to save.

The Department of Agriculture seeing this condition of affairs, and knowing that their serum would immunize hogs if properly manufactured and applied, requested the Congress to pass a law regulating the manufacture and sale of viruses, serums, toxins, and analogous products used in the treatment of domestic animals in order that the Secretary of Agriculture might be empowered to stop these frauds upon the farmer, and thus aid him in making a successful fight against hog cholera. Such a bill was passed by Congress in 1913, but since that time the practical application of the law has shown that it is weak in certain particulars, where the Secretary of Agriculture should have absolute control. Probably the greatest fault in the present law is that the Secretary of Agriculture is empowered to issue licenses and thereby give prestige and standing to a manufacturing firm without actually being in a position at all times to know that the firm is conforming to the regulations and the law. As I have said, it is of first importance to be sure that the serum is potent. This can be determined only by testing it on pigs. The bill which we are now presenting provides authority for the Secretary to control this test completely from the time of its beginning until it has been fully completed.

Section 4 of bill H. R. 15914, to authorize the Secretary of Agriculture to license establishments for, and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, reads as follows, to wit:

Sec. 4. That no license shall be issued under the authority of this act to any establishment where viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, except upon condition that the licensee will conduct the establishment and will permit the inspection of such establishments and of such products and their preparation and the examination and testing of the same, and will furnish all necessary animals, materials, and facilities for making such inspections, examinations, and tests in compliance with the regulations prescribed by the Secretary of Agriculture.

The points which I wish to make clear are that the Congress has authorized the Secretary of Agriculture to issue licenses to plants for the manufacture of serum, but sufficient authority has not been given to the Secretary to enable him at all times to be certain that the products of inspected plants are potent and pure as the farmer expects them to be. There are still opportunities for unscrupulous men to evade the law. The present bill conforms entirely with the ideas which were in mind when the first bill was passed. It is simply a case of finding that the first bill did not serve to accomplish what was intended, and the bill which we are now offering merely corrects the defects in the original.

It is not necessary for me to show the necessity for a bill of this kind. The production of hogs is one of the greatest and most important industries of the American farmer, and the disease hog cholera has for years past caused greater money losses than any other single disease of live stock. It is said that these losses actually amount to from \$25,000,000 to \$75,000,000 a year, depending upon the prevalence of the disease. That progress is being made in the control of these losses is shown by the fact that on the 1st of January, 1916, according to the statistics of the Department of Agriculture, there were in the United States approximately 3,500,000 more hogs than ever before in the history of the country. It is also a fact that during the past several years hog cholera has been decreasing steadily, and there seems no doubt that much of this reduction in losses is due to the application of serum.

The Committee on Agriculture believes that the bill here presented will serve to further safeguard the production of this anti hog-cholera serum, and thus tend to a still greater reduction in the tremendous annual losses from cholera. [Applause.]

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. STEELE of Iowa. Yes.

Mr. KING. Has the gentleman provided in this bill any protection against anybody connected with the Bureau of Animal Industry or with the Government owning stock in serum factories?

Mr. STEELE of Iowa. I do not think that question came up before the committee.

Mr. KING. Does the gentleman remember that in the discussion of the agricultural appropriation bill at the last session, when an amendment of that kind was offered, a point of order was raised against it and it was suggested that it be placed in this bill, which it was proposed to bring to the attention of the House sooner or later? Does the gentleman recall that at that time he favored an amendment of that character?

Mr. STEELE of Iowa. I do not remember as to that.

Mr. KING. However, there is no such provision in this bill at the present time, is there?

Mr. RUBEY. There is no provision in this bill that prohibits absolutely anyone connected with the department from owning stock in a factory, but I am satisfied that the Secretary of Agriculture, in the appointment of these gentlemen who inspect under this law, will not appoint anyone who is connected with any factory.

Mr. KING. I do not believe he will either, knowingly; but would the gentleman object to such an amendment?

Mr. RUBEY. I will read section 13:

That any person, firm, or corporation, or any agent or employee thereof, who shall pay or offer, directly or indirectly, to any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act, or by the regulations made hereunder, any money or thing of value, with intent to influence such officer or employee in the discharge of any duty herein provided for, or which may be provided for by the regulations prescribed hereunder, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$5,000.

Now, if anyone in the employ of the Department of Agriculture is a stockholder in one of these concerns, he is in effect violating that provision of this bill, because he is receiving money or things of value from the concern that manufactures that serum. I think that will cover it.

Mr. KING. Does the gentleman think that that clause is sufficiently broad to prevent an employee of the Government owning stock in a serum factory?

Mr. RUBEY. There is no objection to the gentleman's proposition. If section 13 will not prevent it, we are willing to accept something that will prevent it absolutely.

Mr. STAFFORD. Will the gentleman who has charge of the bill, or some other Member, explain the need of these various provisions which differ from the current law?

Mr. RUBEY. Would it not be better to take up these different matters paragraph by paragraph as they are reached under the five-minute rule?

Mr. STAFFORD. There should be an explanation at some time or other. I notice in reading the bill that there are some very summary powers vested in the Secretary of Agriculture for the enforcement of this measure. Further, there is some machinery established which has not been created for the enforcement of any other measure. For instance, in section 6 there is a provision which imposes a burden, as I consider it, upon all interstate carriers to have a certificate presented with each shipment, certifying that the shipment conforms to the requirements of the Secretary of Agriculture, before the shipment can be made. While I am in sympathy with the objects and purposes of this bill, I want to have some explanation made by some one as to the necessity of creating that very burdensome machinery and imposing it upon the carriers of the country, now and in the future, when there is at the present time an embargo upon shipments of various commodities because the railroads are not now able to transport the heavy traffic. By providing this mechanism you are only adding to the burdens of the carriers. I wish to be informed by the chairman or some member of the committee as to whether it is necessary to have that character of burdensome regulation in order to get the result aimed at by the supporters of this measure?

Mr. RUBEY. I will say to the gentleman that there is no trouble about that. These forms are all prepared by the Department of Agriculture. They are submitted to the manufacturers. It is only a matter of a few minutes to comply with these regulations, and I will say to the gentleman that as we take up this bill under the five-minute rule we can consider each of these paragraphs.

Mr. STAFFORD. My inquiry was not directed at the burden on the manufacturers, but it was directed to the burden which you impose upon the railroad carriers.

Mr. RUBEY. I understand that.

Mr. STAFFORD. Here is a shipment of some of this virus or serum in interstate commerce. Before that can be sent in the ordinary channels of transportation it must be accompanied by a certificate that the conditions imposed by the Government have been complied with.

Mr. RUBEY. There is no burden about that. The shipper, when he brings his shipments, brings his certificate also.

Mr. STAFFORD. But if the carrier receives the shipment without the certificate, it is liable to prosecution for a misdemeanor.

Mr. RUBEY. If the carrier gets the certificate, then it is relieved of any liability.

Mr. MOSS. Suppose a farmer slaughters animals on his own farm and proposes to send the meat into interstate commerce,

That meat can not be carried in interstate commerce, if slaughtered on the farmer's own farm, unless a certificate is provided.

Mr. STAFFORD. Ah, the gentleman is a great authority on everything pertaining to agriculture, but he fails to differentiate that in the case instanced by him there has been no examination, and no attempt at supervision of the slaughtering of cattle by the farmer, but in this case, of the manufacture of serum, the department exercises supervisory authority over all these plants in the first instance, and imposes a penalty in case they do not conform to the requirements of the department. It takes away the permit to continue in the business, and the shipment then is made a penal offense. You have added a heavier burden upon an outside party—to wit, the carrier—which is not necessary as I consider it, and which only further obstructs the channels of traffic.

Mr. MOSS. The gentleman is complaining about the burden laid on the carrier. The burden is the same as it is on the shipper, and both are designed to protect the consumer of the product.

Mr. STAFFORD. I am pointing out a fact which the gentleman does not appreciate, that under this law by other machinery you seek to regulate the manufacture of the product and make it a penal offense in case they do not conform to the law. Now, you are adding an additional burden, an unnecessary burden, on the carrier.

Mr. MOSS. It is precisely the same burden that is put on the carrier under the pure-food law.

Mr. RUBEY. Will the gentleman from Wisconsin state the burden that he is talking about and stay with that one proposition?

Mr. STAFFORD. Yes; as I read this bill I can not see any necessity for requiring a certificate to accompany the shipment.

Mr. RUBEY. What burden is that on the railroad?

Mr. STAFFORD. The carrier has to ascertain under the requirements here from a certificate that everything has been conformed to, and if the carrier fails to do that he is liable as a penal offense.

Mr. RUBEY. The gentleman is absolutely mistaken. If I make a shipment of serum, when I take it to the railroad I bring a certificate and deposit it with the railroad, and that is all that is required by this bill.

Mr. STAFFORD. Why do you require that a certificate shall accompany the shipment for the carrier to ascertain whether it has met with the requirements of the law?

Mr. RUBEY. He does not have to do that. The certificate is all that is required by the law.

Mr. STAFFORD. Is there any other instance of any shipment in interstate commerce, where the National Government takes supervisory authority over the plant, where it requires that a shipment shall be accompanied by a certificate?

Mr. RUBEY. Mr. Chairman, I reserve the balance of my time.

Mr. STAFFORD. I regret the gentleman does not see fit to answer the question.

Mr. ANDERSON. Mr. Chairman, I think everyone who has given consideration to the existing legislation relative to the sale and transportation of serum, virus, and analogous products for the treatment of domestic animals will agree that the existing provisions of the law are inadequate both for the protection of those whom the law is designed to protect, and from the standpoint of those who are charged with the administration of the law.

This bill does throw around the manufacture, sale, and transportation of this class of articles certain safeguards which are not in the present law, and to that extent I am in favor of its provisions. But, on the other hand, it contains what seems to me to be certain defects and certain injustices which ought to be remedied before the bill finally becomes a law.

The bill provides that before any person or corporation can manufacture or offer for transportation in interstate commerce any serum, virus, toxin, or other analogous products for the treatment of domestic animals the person or corporation must obtain a license to manufacture from the Secretary of Agriculture. As a condition of receiving the license he must consent to the inspection of his factory by the agents of the Secretary of Agriculture. He must permit the supervision of the process of manufacture in the establishment; he must permit a test of the product to determine its potency and its freedom from contamination by the agents of the Department of Agriculture, and all this must be done before he is permitted to remove the article from his establishment and put it into commerce between the States. In addition, under regulations prescribed by the Secretary of Agriculture, he must place on the carton or container of the article the date of its manufacture, the name of the product, and the label indicating its potency, dosage, and so forth.

Now, what I am getting at is this: That under this bill the Department of Agriculture supervises the manufacture of the product and passes in the last analysis upon the potency and freedom from contamination of the article so manufactured. Section 2 in this bill makes it unlawful—

for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia or in the Territories, or in any place under the exclusive jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

In other words, although the Department of Agriculture has inspected the factory, supervised the process of manufacture, tested the product, passed upon its potency, and in passing upon it declared it to be potent and free from contamination, yet if any person sells that product and the product proves to be harmful or worthless, notwithstanding the inspection and test, he is guilty of an offense under this act.

My position is that if the Government undertakes to license the establishment, supervises the process of manufacture, tests the product for potency and freedom from contamination, and passes the product as potent and uncontaminated, it ought to be lawful for any person to sell the article or transport it anywhere. That is my proposition in brief. I shall later offer some amendments designed to carry out my ideas.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. The gentleman's position is that indicated by myself, that the supplementary provisions are merely burdens not necessary for the proper supervision of the operation of this bill?

Mr. ANDERSON. I do not know that I agree with the gentleman altogether—perhaps I do not understand his question. I will say that I do not think it ought to be an offense for a man who has no opportunity to examine the product and test its potency to sell that article in interstate commerce or transport it in interstate commerce after the Department of Agriculture has passed upon it and said that it was potent and uncontaminated.

Mr. MOSS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MOSS. Suppose the department has passed upon the serum and says that it is neither pure nor potent, and yet under the bill the department has not the power to destroy it, although it has the power to order it destroyed. Suppose, instead of destroying the product the firm sells it, does the gentleman think that that ought to constitute an offense?

Mr. ANDERSON. Yes; but this proposition goes far beyond that. Let me illustrate. Suppose the distinguished ranking member on the minority of the Committee on Agriculture, who lives at Northwood, Iowa, and who is a large farmer there, should send his hired man to Albert Lea, in the district I have the honor to represent, in the State of Minnesota, and this hired man should purchase of the druggist there certain serum which had been passed upon by the Department of Agriculture as potent and uncontaminated, should take it across the State line and use it there, and it should prove to be harmful or impotent, both the druggist who sold the article and the hired man who carried it across the line would be guilty of a crime under this act.

Mr. MOSS. Let me ask the gentleman the question, whether he does not seek to bring about the very condition that ought not to exist? We have in Indiana, and I presume they have in Iowa, many institutions that are manufacturing serum. So long as they do a purely State business they are not brought under the terms of this law. Suppose the conditions suggested by the gentleman exist. There is a druggist or other person who is selling serum which, under the terms which the gentleman states, could easily come across the State line. The serum has been manufactured in the State and is being manufactured and is sold for State consumption, and yet some one carries it across the line and offers it for sale. I would like to ask the gentleman if that man ought not to be brought under the law?

Mr. ANDERSON. Yes; I would say so. He would be guilty of an offense in selling in interstate commerce serum not prepared in a licensed establishment. I say it ought to be an offense for any man to sell or transport in interstate or foreign commerce, within the classes specified in this bill, serum which had not been inspected and passed by the Secretary of Agriculture; but when the serum has once been passed and inspected by the Secretary of Agriculture, then I say that it should be lawful to sell and transport it anywhere.

Mr. MOSS. Does the gentleman believe under the terms of this bill that where serum has been passed upon, inspected by

the Secretary of Agriculture, and has been delivered for interstate shipment, and a certificate given regularly, and that particular shipment having complied with all of the conditions of the bill the sale of it would entail a penalty upon anyone?

Mr. ANDERSON. I say that under this law a man who sells serum which is worthless or contaminated is guilty of an offense, whether the serum has been inspected and passed or not. I do not say that he could be convicted of that offense, because I do not believe any jury would convict any person who sold an impotent serum if that serum had gone through the necessary processes and had been passed by the Secretary of Agriculture, or that any court would permit him to be convicted; but, notwithstanding, under the terms of the bill the man is guilty of a crime.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SLOAN. The gentleman is well versed in this bill, I see, and I note his objection, if correct, is quite important. Will the gentleman kindly point out in what section a penalty might be visited upon a man who purchased the serum in Albert Lea and brought it into Iowa and there used it, if, mayhap, it happened to be impotent, worthless, or poisonous?

Mr. ANDERSON. Section 6 provides that no carrier or other person, firm, or corporation shall transport or receive for transportation from one State or Territory or the District of Columbia, and so forth, any serum, and so forth, unless it is accompanied by a certificate showing that it has been prepared in compliance with the regulations prescribed by the Secretary of Agriculture. Here is a man who is transporting this serum or virus from Minnesota to Iowa, who has received no such certificate, and under section 6, technically, he would be guilty of an offense, assuming that the carrying of the article across the State line was commerce.

Mr. MOSS. If the gentleman were to strike out the provisions to which he objects, does he not believe he would take away all protection of the bill as to the conditions in which I speak?

Mr. ANDERSON. Not at all.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LEVER. The gentleman from Minnesota complains that the shipper must have a certificate.

Mr. ANDERSON. The carrier must have a certificate.

Mr. LEVER. The carrier must have a certificate that these products are pure and have been properly put up. I call the gentleman's attention to the act providing for the inspection of live cattle, hogs, carcasses, and products thereof, which are the subject of interstate commerce, and for other purposes, passed in 1891, where a certificate is required in all cases, and a vessel engaged in transporting these carcasses for export before it can get clearance even must have a certificate. Is not that an analogous proposition?

Mr. ANDERSON. I do not think it is. I think there might be very different reasons for requiring a certificate in case of foreign shipment than there would be in case of domestic shipment, so that I do not think the proposition which the gentleman from South Carolina raises is analogous at all.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. REAVIS. The position taken by the gentleman, as I understand it, is that a shipper in good faith, acting upon the security of the certificate of the department, could violate the provisions of this law?

Mr. ANDERSON. Absolutely.

Mr. REAVIS. That is, he would be held responsible for the mistake of another?

Mr. ANDERSON. Yes.

Mr. REAVIS. And the mistake being the mistake of the very Government that would prosecute him for violation?

Mr. ANDERSON. The gentleman states it much better than I have. I think, Mr. Chairman, that that is all I have to say directly with reference to the proposition, except that I expect when the bill gets under the five-minute rule to offer some amendments which I think effect the changes in the legislation which I think ought to be effected.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. What difficulty has the department encountered in operating under the law of 1913?

Mr. ANDERSON. Perhaps I can explain that best by pointing out the difference between this law and the other law. The principal and fundamental difference is this: Under the present law the Secretary of Agriculture has no authority to test the serum, virus, and so forth, to determine its potency or its freedom from contamination. Consequently the department can not

and does not undertake under the existing law to pass upon the potency or freedom from contamination of the article. The concern that manufactures it undertakes to make the tests. It undertakes to guarantee the potency and freedom from contamination of the article. It takes the chances, notwithstanding the supervision of the Government, that the article may not be potent nor free from contamination. Under the present proposed law the department itself makes the tests; it undertakes to guarantee or to say at least that it has passed upon the serum and that it is free from contamination and is potent.

Mr. STAFFORD. I assume the gentleman refers to the authority conferred under section 4 upon the department where the manufacturers are even obliged to furnish the animals, materials, and facilities for the making of such inspection.

Mr. ANDERSON. Yes.

Mr. STAFFORD. Is there any other similar Government authority which compels manufacturers to furnish the laboratory needs and to provide for this inspection?

Mr. ANDERSON. Not that I am aware of, although probably there is something similar in the meat-inspection law. I want to say this about that, however: When this proposition was before the committee I had very grave doubts about the wisdom of the requirements to which the gentleman refers. I thought that the proper way to do this thing was for the department itself to furnish the animals and equipment and to make a sufficient charge in the shape of a tax upon the product to cover the cost of making the tests, but the department through its proper officials represented to the committee that they believed that these tests could be made effectively and efficiently under the provision which is carried in the bill, so I did not question the proposition further, although I still have grave doubts about doing it in this particular way.

Mr. STAFFORD. What is proposed by the department in carrying out this law? Is it proposed to have a laboratory in each manufactory or merely an experimental laboratory there to see whether the regulations are being conformed with?

Mr. ANDERSON. - Oh, no; the proposition, as I understand it, is to have an inspector at each one of these plants who supervises the process of manufacture. The tests made are actual tests upon actual animals, I believe, except a very simple one to determine contamination, and these tests, I believe, will be made at the factory. The original proposition presented by the Secretary of Agriculture involved the transmission of samples of these viruses to a general testing station located here in the city of Washington, where samples would be tested to determine their potency and freedom from contamination.

Mr. STAFFORD. Then these inspectors will be paid by the National Government?

Mr. ANDERSON. Yes.

Mr. STAFFORD. As I understand, there are some hundred or more of these at the present time?

Mr. ANDERSON. No; I think not as many as that.

Mr. STAFFORD. According to the report, which was dated last June, there are 90 regular licensed manufacturers, and they were increasing very fast, and I base my estimate upon that.

Mr. ANDERSON. If that is in the report, doubtless it is correct.

Mr. STAFFORD. What burden will be placed upon the National Government with an inspector at each one of these establishments?

Mr. ANDERSON. Of course, I am not authorized to speak for the Department of Agriculture, so I do not undertake to say how the department will administer this law and whether it will have one inspector at each factory or one inspector making periodical rounds. Perhaps the gentleman from Iowa [Mr. STEELE] can enlighten the gentleman, and I yield to him.

Mr. STEELE of Iowa. As I understand, this serum is going to be tested on pigs. Now, I will read a letter from Dr. Melville which will perhaps explain what the gentleman has in mind. The letter is as follows:

Referring to your telephonic request this morning, I am inclosing herewith circular letter dated November 20, 1916, which contains the information you desire. You will recall that the serum manufacturer furnishes his own hogs for the hog-cholera test, and under present conditions they are not under the control of the bureau.

In order that you may have an abstract of the principal points in the above-mentioned circular letter, I wish to submit the following summary of the routine testing of hog-cholera serum:

Eight nonimmune hogs are inoculated with a cubic centimeter of hog-cholera virus. Two of these are injected simultaneously with 15 cubic centimeters of serum, two simultaneously with 20 cubic centimeters of serum, and two simultaneously with 25 cubic centimeters of serum, the remaining two being left as controls. If all of the serum-treated pigs remain well, whereas the controls become promptly sick of hog cholera, the serum is permitted to be marketed in doses of 20 cubic centimeters per 100 pounds. If, however, either of the pigs which received 15 cubic centimeters become sick, while those receiving 20 and 25 cubic centimeter doses remain well, the serum is permitted to be marketed in

doses of 30 cubic centimeters for 100 pounds or less. If either of the pigs receiving 20 or 25 cubic centimeters of serum become sick, the serum is not permitted to be marketed.

Now, the object of this bill in section 4 is to give the Government absolute control of the test pigs with a lock and key, making the manufacturer provide these places so that in observing these pigs from day to day, if some of them get sick, the manufacturer can not pass out the sick pig and put in a well one that never had had the serum injected into it and in that way destroy the potency of the serum. The absolute object of this bill is for the purpose of the Government having absolute control of each and every pig for the 21 days during which the test is being performed.

Mr. ANDERSON. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Twenty-two minutes.

Mr. ANDERSON. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who desires to present an inquiry to the gentleman from Iowa.

Mr. STAFFORD. Permit me to direct this inquiry at the gentleman: I would like to inquire as to how often will these tests be made at the individual establishments?

Mr. STEELE of Iowa. Every time they have prepared a certain amount of serum they want tested in order to be placed upon the market.

Mr. STAFFORD. I understand it requires 21 days to determine whether it is efficient?

Mr. STEELE of Iowa. Yes, sir.

Mr. STAFFORD. Then if it is necessary to have an inspector there whenever serum is produced, I suppose there will be one inspector assigned to each establishment?

Mr. STEELE of Iowa. Practically so, and perhaps not. It does not seem to me that it would require an inspector at each of the plants. Say at my town there are six manufacturing institutions. Now, if this veterinary who has control of this test has the lock and key he can go over the manufacturers' premises and see that these hogs are properly fed each day and observe their actions during the test. I do not think it would be necessary to have an inspector there continuously and at all times.

Mr. STAFFORD. Oh, no; but considering the operation of the Government, that they do not look always to filling in and dovetailing in the time of their employees so that they can have economy of service, does not the gentleman think in the practical operation of this law that there will be one inspector for each establishment even though he may not be there all the time?

Mr. STEELE of Iowa. I should say I do not believe that would be true. I do not believe the Secretary of Agriculture or the Bureau of Animal Industry would permit the time to be wasted in that way if they could adjust it so that they could use him some place else.

Mr. STAFFORD. Has the gentleman any practical experience as to how often the average-size manufactory produces serum in the course of a year?

Mr. STEELE of Iowa. Really, I can not say, but I do know in the 80 or 85 manufactories it takes about 24,000 test pigs to test out the serum that is necessary to supply the market.

Mr. STAFFORD. Can the gentleman inform the committee as to how long after a certain product of serum is produced that it remains potent?

Mr. STEELE of Iowa. As I understand, up to one year.

Mr. ANDERSON. The gentleman is mistaken about that. I talked with Dr. Dorset the other day over the telephone and he told me they had tested serum that was six years old and that it was found to be potent, but he thought under proper conditions that serum would remain potent for two years at least. Of course, it does make a difference as to the temperature and conditions under which it is kept.

Mr. REAVIS. Will the gentleman yield to me?

Mr. STEELE of Iowa. Yes.

Mr. REAVIS. The question was asked a moment ago by the gentleman from Wisconsin as to whether it would not require a separate inspector for each establishment. Is it not true that a number of these serum establishments are located in Sioux City, Kansas City, and St. Joseph, adjacent to the stockyards?

Mr. ANDERSON. A great many of them are.

Mr. REAVIS. And would it require more than one inspector at each of these places?

Mr. ANDERSON. Probably more than one; yes.

Mr. REAVIS. Would not one inspector, say, in Kansas City, be able to inspect all of these serum establishments there?

Mr. ANDERSON. I hardly think so; not and maintain that supervision and control of the processes and of the tests which the departments seem to think is necessary.

Mr. REAVIS. Would it require a separate inspector for each serum establishment?

Mr. ANDERSON. Well, possibly not. Mr. Chairman, I reserve the balance of my time.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. MOSS].

Mr. MOSS. Mr. Chairman and gentlemen of the committee, I would not speak if it had not been for the particular question which the gentleman from Wisconsin [Mr. STAFFORD] asked in regard to the troubles at the present time in the operation of law which regulates and controls the manufacture and sale of serums. I would like the committee to remember that this serum remedy for hog cholera is based upon the theory that when a hog has had the cholera once and recovers it is immune the rest of its lifetime. It is to be remembered that the injection of serum into the system of a hog, unless it is first inoculated with cholera, does not grant immunity except for a comparatively short time. Therefore, with serum there is sold a virus, which is for the express purpose of inoculating the hog with cholera. The treatment seeks, first, to give the hog cholera by injecting virus and then to cure it by the use of serum. This treatment, when successful, bestows immunity to cholera during its lifetime. Now, necessarily, if the Government sends out instructions to farmers all over the United States to venture to inoculate their hogs with cholera, they will do so only when imbued with the confidence that they are to have a serum that will protect the hog by neutralizing the germs of cholera which have purposely been injected in the hog. Unless it is possible to give them pure serum, the department is playing with fire in advertising this remedy. And when it shall occur that the serum is not potent the farmer loses his hogs and a new center of infection is created. A whole neighborhood has been exposed to hazard because of a poor remedial agent. Science becomes destructive rather than helpful. This is precisely what happened in my district during the past year and under the operation of the present law.

One of my constituents, a large hog grower, sent out to the West—I shall not state as to what place, though I have seen the correspondence—and purchased virus and serum. He believed he was protected by the fact of governmental supervision of the plant making the serum. He inoculated his hogs. This occurred in Hendricks County, Ind., where the Government has an experiment station, Dr. Wickwire being in charge of it. These hogs took the cholera and died, the serum protecting none of them. The result was the farmer lost more than 75 hogs and introduced cholera into that neighborhood, though he had acted in good faith and was supposed to be following a scientific formula. He had knowingly inoculated them with cholera and given them serum which did not prove to be potent enough to protect his herd. This may happen any time impotent serum is used with the simultaneous method. He called it to the attention of Dr. Wickwire, who told him his hogs had the cholera, but that the Government was absolutely powerless to help him. I called this instance to the attention of the department and submitted the correspondence in the case; but the department could not call back his hogs to life nor reimburse him for his losses. That is one circumstance that has come under my observation during the time the law of 1913 has been on the statute books. Naturally we ask a more effective statute.

Now, if you are in earnest, and if Congress wants to make this remedy a success, it must be made possible for a farmer when he inoculates with deadly virus to feel that he has absolutely a remedial agent which will surely protect him. I want the Members, Mr. Chairman, to remember that the simultaneous treatment—the treatment which makes the hog immune during life—consists first in actually introducing the germs of cholera into the hog and at the same time injecting serum which has the power to protect the animal. Every time a hog is vaccinated with virus the farmer assumes the risk of bringing the cholera onto his own farm and into his herd. This is the reason why this bill presents an exceptional condition and why exceptional power should be given to the Department of Agriculture in order to make it possible for farmers to secure potent serum.

These facts must be borne in mind during the consideration of this bill. The serum is a harmless remedy. The serum itself does not introduce disease germs into the system of a hog, although it is supposed to give protection. But permanent protection can not be given to the hog by the administration of the serum until the animal has first been vaccinated or inoculated with the virus of hog cholera. The whole theory is that the vaccination or inoculation of the hog with the virus of cholera and the simultaneous application of serum makes the hog immune during its lifetime.

If you will hold that theory in your minds, gentlemen, you will understand this bill. The farmers of this country are asking that the Federal Government shall make it so that in the practical use of this remedy they can have a reasonable—no; not a reasonable, but an absolutely certain—protection against the constant hazard which it inherently carries; that if they introduce this deadly disease into their herds they will have a remedial and not a destructive agent at their service. That is the whole theory of this bill, and unless you are going to give that protection you had better prohibit absolutely the manufacture and sale of serums and viruses. We had better suffer from occasional invasion of hog cholera into our herds than to risk the very frequent outbreaks which may follow the use of impotent serums.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes; with pleasure.

Mr. HASTINGS. For how long is the hog immune if you give him the virus and the serum?

Mr. MOSS. For not more than three or four months. I am not sure that the serum will give ample protection for three months. I will repeat that in speaking of the virus you are speaking about a toxin that carries with it the disease of cholera itself, and that the serum is supposed to neutralize the cholera and give the hog protection. Necessarily a farmer only wants to do that once during the lifetime of his hog. Ordinarily the farmer takes a shote after it has been weaned, when it is of comparatively low value, and gives it the prescribed treatment—first inoculating it with the virus and then with the serum. If the operation is successful he has an immune hog; if it fails, he will have a hog stricken with cholera.

The current number of the Scientific American, one of the most carefully edited journals in the United States, in one of its leading articles, makes the statement that the farmers have lost from hog cholera on the average \$40,000,000 a year in the last 40 years, and that in certain years the loss has reached the high total of \$75,000,000.

I am proud of the fact that since I have been a Member of Congress the serum remedy has become publicly advertised and is being used to a large extent by the farmers of the United States. This result has been wholly due to the experimental field work which has been carried on in certain of our States. Until this very practical work was done, although it was well known that the remedy had been perfected by Dr. Dorsett, the public derived no practical advantage from his most valuable work. Fortunately it has passed to the point where vast numbers of farmers of the United States want to make practical use of this remedy, and their only hesitation is whether they can do so with safety to their herds. In this connection we should remember that there are at least 70,000,000 hogs in the United States, every one of which is liable under present conditions to have the cholera. The work before us is to make it possible for each and every hog to be vaccinated, and thereby stamp out this dread disease from every part and section of our Nation. This suggests the vast work of manufacture and supervision in order to develop a commercial remedy in which everyone will have confidence. Necessarily this result will call for very large activity on the part of the United States Government, and will demand a splendid administrative ability on the part of the Secretary of Agriculture.

This bill must be taken and viewed by the Congress of the United States in the light of the exceptional dangers that come with use of this remedy; that every hog treated must be subjected to a direct exposure to the dread disease we desire to control. Failure means not only a loss of the treated hogs but the spread of the disease. Either the serum must be supplied in ample quantity and of absolute potency or we should prohibit by law the exposure of hogs by inoculating them with cholera virus. Therefore I submit that the stringent provisions of this bill are amply justified and ought not to fall by reason of hypercritical objections on the part of gentlemen who are proceeding upon theory, and not on practical experience. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. OVERMYER].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. OVERMYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an article appearing in the Scientific American of December 30, 1916, relating to the inoculation of hogs by serum.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the article referred to:

INOCULATING THE MORTGAGE LIFTERS—HOW THE DISASTROUS HOG-CHOLERA EPIDEMIC IS BEING CONTROLLED.

[By C. H. Claudy.]

"Hog" is a term of derision or contempt for the man in the city. But the farmer calls his hogs "mortgage lifters," because the revenue derived from swine raising is responsible for much of farming prosperity, and because were it not for hogs and the profit they bring many a farm would go unimproved and undeveloped.

If one hog in a herd of a hundred dies, the farmer is sorry, but he doesn't tear his hair. But if the ninety-nine die the one that is left doesn't do him much good. A thousand, a hundred thousand, even a million dollars' worth of hogs might be exterminated yearly, and still there would be no great economic problem to face. But when, as happened in 1913, \$75,000,000 worth of hogs die from a disease for which there is absolutely no cure—hog cholera—then, indeed, a wall goes up from the hog raisers.

At the present time there are 68,047,000 hogs in the United States. Their value is \$571,890,000. The average loss annually due to hog cholera during the last 40 years is estimated at not less than \$40,000,000. This is altogether too large a percentage to give up in one year to a disease which, while incurable, is preventable. And while the loss in direct dollars can be estimated the indirect loss, due to the discouragement of hog breeders, is without a price to set upon it, and no man can say what the public has had to pay because of the increased price of ham and bacon, which might have been saved were hogs freed from this their greatest pestilence.

It was consideration of these things and realization of the urgent need for assistance to those whose greatest wealth was disappearing in dead hogs that made the Bureau of Animal Industry of the Department of Agriculture begin in the year of greatest loss (1913) a series of experiments looking to the eventual control of hog cholera by quarantine, sanitary measures, and preventive serum treatment. These experiments extended during 1914, 1915, and 1916 to 15 counties in Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Tennessee, Nebraska, Missouri, Oklahoma, and South Dakota.

The treatment of almost a quarter of a million hogs in infected herds has demonstrated the possibility of saving from 85 to 90 per cent of the animals. A determined effort on the part of the proper State officials and farmers cooperating with the bureau can undoubtedly control and eventually eradicate the disease.

Hog cholera is an acute febrile disease which affects only hogs. It is extremely contagious. While it is found practically all over the world, it is especially prevalent in the hog-raising districts of the United States. It first occurred in 1833 in Ohio, supposedly from imported hogs from European countries. The disease has gradually extended to all portions of the United States along lines of transportation.

Hog-cholera mortality is 100 per cent in some herds, while the average is probably from 70 to 80 per cent. Hogs which survive are usually worthless. There is no cure for hog cholera. But it is preventable, and by a method which will ring naturally in ears accustomed to hear of preventive serum for human diseases. Starting with the fact that hogs which recover are thereafter immune, the bureau discovered that an immune, infected with blood from a sick hog, can provide blood which will protect other hogs.

The process is scientific and exact and its results wonderful. A vigorous immune hog is treated with much blood from a hog-cholera patient. After a week or two blood is drawn from the immune by cutting off the end of the tail. The fluid portion of the blood is mixed with weak carbolic acid, forming the serum which protects from hog cholera. It is used either by simple or by simultaneous inoculation.

In the first method an injection of serum alone is made inside the hind leg. This protects from hog cholera for several weeks. If not exposed to hog cholera the immunity gradually lessens in degree and the hog may again become susceptible. If, however, the hog is exposed to hog cholera within a short time after the injection of the serum, the immunity becomes of lifelong duration. In simultaneous inoculation the same serum is used, but there is also injected a small quantity of blood taken from a hog-cholera patient. This confers a permanent immunity.

So much for the facts. Now for the results. We give the figures of the Bureau of Animal Industry. Of the sick members of infected herds treated by the bureau's agents during three years, 28.8 per cent died; of the well members the mortality was 4.5 per cent among those treated by serum alone and 3.7 per cent among those enjoying simultaneous treatment. These results are indeed marvelous.

Hog-cholera work is by no means confined to serum treatment. Close study of 738 cases showed that only 177 came from indefinite causes. The rest were directly traceable to some source, often preventable. One hundred and forty-five cases were traced to birds, 110 to visiting infected premises, 89 to exchanging work with infected farms, 52 to dogs, 50 to exposure of well hogs to sick ones in adjoining pens or pastures, 41 to infection harbored from previous sickness, 10 to polluted streams, 30 to purchase of new stock, and 4 to infection on cars.

From an examination of these and other causes of hog cholera a simple set of preventive rules has been evolved. Farmers in whose neighborhood hog cholera exists are advised to follow implicitly these rules, which consist in nothing else than the application of common-sense methods of preventing the operation of the causes enumerated and in the adoption of decent sanitation in the homes of the pigs. The latter requirement may well be emphasized, in view of the still wide prevalence of the good old-fashioned notion that a pig is a creature of filth anyhow and will flourish only in filth. Nothing could be further from the truth.

These methods, together with serum treatment, have greatly reduced the economic loss, but the ideal of the bureau is the complete eradication of the disease. To this end at the present time intensive hog-cholera work is being conducted in 130 counties in 13 States, with a view to the eradication of the disease in restricted areas.

The system is to select a definite territory in each State, assign competent bureau veterinarians to such territories, who cooperate with State authorities. Because the disease is so highly infectious and incurable, the important part of the work is one of prevention. Special stress is laid on the importance of sanitation, guarding against introduction of infection, and the better care of swine in general. The facilities of the bureau are available whenever hog cholera is prevalent.

Mr. OVERMYER. In this connection, Mr. Chairman, I want to say that the article brings out quite pointedly the matters mentioned by the gentleman from Indiana [Mr. Moss], who has just concluded, and it brings out this further fact, which we must always bear in mind in connection with hog cholera, and that is that it is not a curable disease, and therefore all our efforts must be directed to preventive measures. When a hog once becomes inoculated with cholera that hog cholera is not curable unless you at the same time introduce the serum, as stated by the gentleman from Indiana. Hog cholera itself is not curable, and therefore our energies must be directed to preventive measures. This bill that we are now considering is along that line. It will insure to the farmers of the country purer and more potent hog-cholera serums.

The first appearance of hog cholera, I regret to say, in this country was in my native State of Ohio in 1833, and since that time it has caused losses in the United States aggregating as high as \$75,000,000 in one year, and it is estimated that in the last 40 years it has caused a loss averaging \$40,000,000 annually. Up until 1913 the Department of Agriculture did not pay particular attention to preventive measures in the matter of the sanitation of the premises and things of that kind. But since 1913 they have made studies along the line of preventing hog cholera by remedying the conditions and environment in which the animal is kept, and in conjunction with those measures and the use of cholera serums they have had very successful results.

In fact, this article to which I have referred states that the treatment of almost a quarter of a million hogs in infected herds has demonstrated the possibility of saving from 85 to 90 per cent of the animals. It seems to me that in these times when so much is said about the high cost of living, and when we are all cognizant of the fact that the price of meat, and especially of pork, is almost prohibitive, any measures that we might take to safeguard ourselves against this enormous loss of hogs are commendable, and any money that we may expend in that work is money well applied. I am heartily in favor of the bill that is being considered. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio yields back the balance of his time. The Clerk will proceed with the reading of the bill, if there is no one who wishes to occupy time.

Mr. MANN. Mr. Chairman—

The CHAIRMAN. Did the gentleman from Minnesota yield?

Mr. MANN. I am asking for recognition. If the Chair can not see me, I can not help it.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. To be recognized. I do not have to explain to the Chair what I am going to do.

The CHAIRMAN. Is the gentleman in opposition to the bill?

Mr. MANN. That is not the business of the Chair, whether I am in opposition to the bill or not. I do not have to explain.

The CHAIRMAN. The gentleman can wait a moment. The gentleman from Minnesota [Mr. ANDERSON] is recognized for an hour in opposition to the bill, and the Chair was wondering whether or not anybody else could take his time.

Mr. MANN. If the gentleman from Minnesota wants the time, I will yield.

Mr. ANDERSON. Mr. Chairman, the gentleman asked to be recognized in his own right.

The CHAIRMAN. Does the gentleman from Illinois ask the gentleman from Minnesota for time?

Mr. MANN. No; I am not asking the gentleman from Minnesota for time.

The CHAIRMAN. Under the circumstances the gentleman from Illinois [Mr. MANN] is recognized for 32 minutes.

Mr. MANN. Not at all. I am recognized for one hour if I am recognized at all.

The CHAIRMAN. Then the gentleman will not be recognized.

Mr. MANN. Very well, I will wait until you read the bill, and then I think I will be recognized.

The CHAIRMAN. Under the rule for Calendar Wednesday the Chair understands that there are two hours' debate, an hour for and an hour against the bill. Now, the Chair assigned to the gentleman from Missouri [Mr. RUBEY] an hour for the bill and to the gentleman from Minnesota [Mr. ANDERSON] an hour against it.

Mr. MANN. The Chair is correct.

Mr. ANDERSON. I yield to the gentleman from Illinois the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 32 minutes.

Mr. MANN. Mr. Chairman, I am not opposed to the bill. I do not think the gentleman from Minnesota [Mr. ANDERSON], who has yielded me time, is opposed to the bill.

I have had some little experience in drafting legislation which came under the commerce clause of the Constitution. There are two methods, and perhaps more, by which Congress has control over commerce and manufacturing. One method is under the power of taxation, or licensing. One method is under the commerce clause of the Constitution, giving the right to regulate commerce among the States and with foreign powers. In the legislation which I have drafted I have endeavored to be very careful, and so far I think every piece of legislation which I have drafted has been upheld by the Supreme Court as constitutional. That is because the committee upon which I served was careful to come within the terms of the Constitution. This bill as it is written is not constitutional. Anybody can see that. That is, portions of the bill are unconstitutional.

I suppose it was drafted probably in the Department of Agriculture, a department which is wise in reference to agriculture, but never has known much about the Constitution, because nearly all the things done by that department are things not contemplated as within the power of the Federal Government under the Constitution. Nearly all of them are extraconstitutional. It is true that this bill in its last section endeavors, in a very sloppy method, which seems to have become popular lately, to save the constitutional provisions of the bill when the Supreme Court declares other provisions unconstitutional, because it says in the last section:

That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Of course the drafter of the bill, when he puts in that language, says to himself, "It does not make any difference whether I write a constitutional measure or not. I may by accident get something in it which is constitutional, and if by accident or design I get anything which is unconstitutional in it, that shall not affect the balance." I am inclined to think that when a provision like this reaches the Supreme Court and the Supreme Court says that the design of Congress was to accomplish a certain purpose, and that that purpose is unconstitutional, the court will say the act is unconstitutional, and will not merely confine it to saying that certain language in the act is unconstitutional.

There is no reason why a bill of this sort should not be drafted so as to be constitutional; not the slightest. There is no reason why an unconstitutional provision should be ingrafted in the bill. For instance, this bill provides properly that serums shall not be transported in interstate commerce unless they are manufactured in an establishment licensed by the Government. I think we have that authority. We have the right to say that when you want to ship anything in interstate commerce it shall be manufactured in a certain way, that it shall be labeled in a certain way, and shall come up to certain requirements of health. We have that right. But because we endeavor to regulate interstate commerce and to require these articles to be manufactured in a licensed establishment we have no right to say that that establishment shall not make anything for commerce wholly within the State. We have no control over that. We can not control the licensed establishment, except so far as it relates to interstate commerce, unless the establishment consents as a prerequisite to receiving the license. Now this bill provides—

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. I should like to know just what the gentleman means by his last statement.

Mr. MANN. Very well. The gentleman asks what I mean by my last statement. We can say to an establishment, "We will not license you to manufacture articles for interstate commerce unless you consent to certain regulations." I think we have that power. But we can not punish them criminally. All we can do is to revoke the license, and then forbid the shipment of their articles in interstate commerce because they have no license. Now, that is not the theory of this bill. At least, it does not stop there. It proposes to punish as a misdemeanor, by fine and imprisonment, a licensed establishment which permits the removal from the establishment in the State, not in interstate commerce, of articles the shipment of which in interstate commerce is forbidden. We have not that power.

Mr. Chairman, I have a cold and I need a little serum myself. I have often wondered why these great scientists, who claim that they have discovered serums for everything on earth, have never yet been able to discover anything which will prevent or cure a thing that most of us suffer from and which all the world suffers from more than anything else—a cold. I once asked the head of the Public Health Service if he could tell me

how to avoid catching a cold and he said he could. He said, "Never go where there is a crowd of other people." I said, "It would be much easier for me to jump out of this window, six stories high, for then I know I would never have a cold after that." We propose, however, here to prevent and cure hog cholera and other animal diseases by the application of serum.

In section 3 it is provided—

It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or, otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

We have no such authority. We have no right to say that a manufacturing establishment in Baltimore or Philadelphia shall not permit the removal of anything it makes within the limits of the State, except as we may invoke the penalty of revoking the license; but that is not the method prescribed in this bill. If these people permit the removal of this serum within the State which we can not control, the bill proposes to subject them to fine and imprisonment, and we do not have that authority. We have no control over intrastate commerce.

Now, it was easy to have prepared a bill which would cover the case, which would say and stop there: "You shall not transport any of these articles in interstate commerce which are not made in a licensed establishment, and no establishment shall retain its license which does not obey the regulations which we prescribe." But we have no authority to say what a manufacturing establishment in one of the States shall do in reference to selling its articles in the State, beyond possibly our authority to revoke the license.

Mr. LEVER. Will the gentleman yield?

Mr. MANN. I will.

Mr. LEVER. I have been following the gentleman's argument very closely and am much interested. What would be the difference in the authority of the Secretary of Agriculture to withdraw the license which would be in the nature of a penalty, and making it unlawful for them to do certain things which the gentleman has been describing? Does the gentleman think the latter proposition would be constitutional if the first is not?

Mr. MANN. We have the authority to prescribe that these articles shall not be transported in interstate commerce except under certain conditions—relating to health. We have a broader authority under the decisions of the court in matters relating to health than we would have in reference to ordinary articles of commerce. We have the authority to require them to be packed and to be labeled in a certain way, to come to certain requirements if they are to pass the State line, and I think we have the authority to say that they must be manufactured in an establishment selected or licensed by the Government. There our authority ends. We have no authority to go into a State and say to a manufacturing establishment in the State: "If you make something wholly for consumption within the State, we will put you in prison for it." That is what this act says. If we assume such jurisdiction as that, what is there left for the States at all? If the Government of the United States, under the theory of regulating commerce, can say that a store shall not sell anything unless the Government of the United States permits it, under the penalty of fine and imprisonment, what is there left for the State to do?

Mr. LEVER. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. LEVER. The language to which the gentleman is directing his remarks, page 3, section 3, says:

It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or, otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. MANN. Now, right there at that point.

Mr. LEVER. The part above that would fall within the power of Congress to legislate, and the gentleman's complaint is on the words "remove from any establishment licensed under this act." I was about to inquire if the court would not interpret the language to mean remove for interstate commerce rather than to remove for intrastate commerce.

Mr. MANN. You can not interpret it; that is what it says: "You shall not remove it." It is a very doubtful interpretation as to whether the sale above is confined to interstate commerce; it undertakes to say that you can not sell any of these articles, when the law is plain that under the law after an article passes

into interstate commerce and the original package is broken Congress has no jurisdiction over it.

Mr. LEVER. The gentleman knows that I make no pretension to being a lawyer, but, interpreting it as a layman, I thought the court might hold that the words "barter, exchange, or ship" meant barter, exchange, ship, or sell within the agencies of interstate commerce which are recognized by the Constitution as a matter over which Congress has authority, as well as the language to remove from the establishment, the court would hold that that meant to apply to the agencies of interstate commerce recognized by the Constitution. That was the thought that I had in my mind.

Mr. MANN. That is not what the act says. I do not know what the court would hold; it might strain the language or read something into it. Anyone reading the language would say that the manufacturer had no right to remove any of these serums from this plant—and he ought not to without having his license revoked.

Mr. LEVER. The gentleman has raised an interesting question, but it seems to me that any administrative officer interpreting this act would certainly not put an interpretation upon it that he knew was unconstitutional. In other words, he would not do that which he knew the Constitution forbade him to do.

Mr. MANN. He would not know anything about it; even the solicitor of the department who drew the bill did not know what the Constitution provided—probably had never read it. [Laughter.]

Mr. HELGESEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HELGESEN. Would not the objection of the gentleman be removed by inserting, after the word "animals," line 17, "if transported in interstate commerce"?

Mr. MANN. The only way to obviate the objection is to redraft that provision in the bill. As far as construction is concerned, construction can do some things. For instance, section 2 provides—eliminating some language which is not essential to the point I am making—"no person, firm, or corporation shall prepare, sell, barter, exchange, or ship any virus until said virus, serum, toxin, or analogous product shall have been prepared," and so forth. Of course, that is open to construction, although the language says that it shall not be prepared until it has been prepared.

There are other defects in the bill which I desired to discuss along the constitutional line, but there is one that does not involve a constitutional question that I want to discuss. That is the provision putting a penalty on the carrier for carrying this serum that may not comply with the provisions of the act. Common carriers carry freight which is presented to them. That is their business. The less regulation we provide in the presentation of freight the cheaper are the freight rates. It is not the duty of the common carrier to ascertain the contents of every package which is presented to him. It would be a foolish provision to require every freight agent in the country when he receives an article of freight to have to examine an affidavit in connection with it and find out whether he was permitted to transport it.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GORDON. If this was transported by parcel post it might render public officials liable to criminal prosecution, might it not?

Mr. MANN. Yes. The person to make amenable to prosecution for the transportation of articles illegally is the man who commits the violation. He is the man who makes the shipment, he is the man who sends the article. You might as well blame a conduit pipe for carrying water through it illegally instead of the man who pours the water in. Under this provision a man who came over from Iowa to Rock Island, Ill., and purchased some serum and carried it back across the Mississippi River without obtaining a certificate would be liable to a year's imprisonment and a thousand-dollar fine. Of course he would not get it, for nobody would convict him, but there is no occasion, there is no demand for putting such a burden, not merely upon the carrier, but upon the shipper, and the inevitable result would be that the freight rate upon serum, if this goes into effect, will have to be raised. Neither the pure-food law nor any of the other laws which we have passed on these lines have attempted to put the burden upon the carrier of determining whether the shipper is complying with the law. If the shipper does not comply with the law he is the one to be prosecuted. If the consignee does not comply with the law and he receives articles, he may be prosecuted, but as a matter of fact the Government has no difficulty in holding these people responsible. If that serum is received somewhere the Govern-

ment gets this information without trouble, and it can bring the prosecution properly against the persons who consign it. As a matter of fact, also, if a bill like this goes into effect, and I think some legislation should be enacted, there probably will not be any shipments of serums across State lines except those made in manufacturing establishments. To add any further burden to the shipment is useless and inexpensive. Why should a shipper every time he wants to ship an article of this sort at his risk be required to submit to the railroad company an affidavit for the benefit of the railroad company and then why should we require the freight agent of the railroad company to examine the affidavit and then at his risk ascertain if the article is wholesome and legal under the provisions of the act? I think section 6 of this bill ought to be stricken out and that it can be stricken out without in any way whatever affecting or injuring the value of the regulation of viruses as provided by the other sections of the bill.

Mr. RUBEY. Mr. Chairman, does the gentleman from Minnesota desire to use any more of his time?

Mr. ANDERSON. I have no more requests for time.

Mr. RUBEY. How much time is left to each side?

The CHAIRMAN. The gentleman from Missouri has 27 minutes and the gentleman from Minnesota 3 minutes.

Mr. RUBEY. Mr. Chairman, I yield now to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, this bill was prepared by a subcommittee of the Agricultural Committee. I was not a member of the subcommittee. However, I am more or less familiar with its provisions, and more or less familiar with the theory upon which the bill is built. I have been much interested in the argument of the gentleman from Illinois [Mr. MANN]. I have so much confidence always in his judgment and fairness upon such propositions that I listened to him with more than ordinary interest. It seems to me, however, that if this bill is read as a whole and not by segregated sections the gentleman's fears may be met. The Secretary of Agriculture, under section 1 of the bill, is authorized to issue licenses to certain establishments for certain purposes. First, the Secretary is authorized to issue licenses in the Territories, in the District of Columbia, and in any place under the exclusive jurisdiction of the United States. That is the first proposition. The establishment must be located at a place within the exclusive jurisdiction of the United States. Second—and this is the point I am driving at—the establishment must be engaged in the manufacture of certain things for certain purposes. Those certain purposes are for shipment into interstate and foreign commerce. The gentleman from Illinois admits that Congress has the power to do that under the commerce clause of the Constitution. His objection is founded in the language on page 3, section 3, particularly that language which makes it a penal offense for any establishment to permit to be removed any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, and so forth. I want to call the gentleman's attention, however, to this language—"to remove from any establishment licensed under this act."

Mr. STAFFORD. Where is the gentleman reading?

Mr. LEVER. I am reading from line 15. The only establishment that may be licensed under this act is such an establishment at such a place or under such jurisdiction and engaged in such work as is described in section 1 of the bill, and section 1 of the bill is not a stretch of legislative authority. I take it, not as a lawyer, but as a layman, that a court would interpret the language just read and the language immediately above as conferring no authority except such authority as Congress has the power to delegate to one of the administrative officers of the Government.

I do not know whether that satisfies even my own mind, because I am not a lawyer; but I would say this: That I do have a very great respect for the Solicitor of the Department of Agriculture, who was this morning personally asked about the proposition as to the constitutionality of this bill, and he informed the gentleman from Missouri [Mr. RUBEY] that he had gone into that phase of the situation very carefully, and he does not find any provisions which he thinks are unconstitutional. Of course, that is a matter of judgment between good lawyers.

Mr. MANN. Mr. Chairman, if the gentleman will permit me, I remember several times through the plant quarantine act of other such instances, and really without any prejudice against them, if a first-year student in a law college could not have found it to be unconstitutional, I would think he was not qualified to study law. It was remodeled, and remodeled, and remodeled, and finally a constitutional measure was presented, but that department never thought it out. The gentleman said the objection that I made was to section 3. Take section 2, which is still more important. That was plain. The first part

of section 2 prohibits the sale within the District of Columbia or the Territories. That is plainly within our jurisdiction. The second part of section 2 provides that no person shall sell, barter, or exchange any of these serums.

Mr. LEVER. "As aforesaid." I take that language to mean in interstate and foreign commerce.

Mr. MANN. You have already had a prohibition upon the sale. This is a prohibition on the sale, barter, or exchange. The thing in interstate commerce is the transportation, not the sale.

Mr. LEVER. I take it the gentleman's objection would be cured by the repetition of the phrase "as aforesaid," and that phrase "as aforesaid" relates to the uses and instrumentalities of interstate commerce.

Mr. MANN. If the gentleman is correct, the sale as aforesaid refers as to what goes before. Then it only refers to sale in the District of Columbia and the Territories and is an idle—

Mr. LEVER. The gentleman is mistaken about that.

Mr. MANN. An idle and useless repetition.

Mr. LEVER. It says "or in any place under the exclusive jurisdiction of the United States." That is the phraseology.

Mr. MANN. That is, States and Territories and applies to the District of Columbia, Hawaii, and Alaska.

Mr. LEVER. All States or Territories or the District of Columbia or through any State or Territory or the District of Columbia. That is the usual language describing interstate commerce, as I understand.

Mr. MANN. Oh, that refers to the shipment. You do not sell through a State; that refers to the shipment. The effort is to say that you shall not sell these articles anywhere. We have not the power over that. After the package is broken we can not control it.

Mr. LEVER. That may be.

Mr. TILSON. Mr. Chairman—

Mr. LEVER. I yield to the gentleman for a question.

Mr. TILSON. If the gentleman has finished with his reply to the gentleman from Illinois, I would like to ask the gentleman two questions on another matter. First, what, in general, is the evil that is intended to be obviated by the passage of this particular bill?

Mr. LEVER. I was just about to come to that. Mr. Chairman and gentlemen of the committee, I repeat I am not very familiar with all the details of the bill, but I am familiar with the general purpose sought to be accomplished by the bill. We know that hog cholera is costing this country from \$40,000,000 to \$75,000,000 a year, sometimes more and sometimes less. We know that if we are going in any way to affect the price of food products we have to do something somehow to increase the amount of meat foodstuff to be put upon the market.

Mr. TILSON. Right there, my experience has been that the great difficulty has been to obtain the serum at all, and it seems to me this is aimed at something else.

Mr. LEVER. I am coming to that, if the gentleman will permit me. What we are trying to do in this bill primarily is to save to the producers and consumers of meat food products of this country a loss of from \$40,000,000 to \$75,000,000 a year in their hogs. We are trying to prevent that loss, a loss caused by the disease known as hog cholera. The scientists know that we can practically immunize all the hogs of this country from hog cholera if the viruses and the serums are both pure and potent, and what we are trying to do directly in this bill is to guarantee a pure and a potent treatment for hog cholera.

Mr. ANDERSON. Does the gentleman think we can accomplish that result by passing a law which is obviously unconstitutional and unenforceable in many particulars?

Mr. LEVER. The gentleman has asked me a very frank question and I will answer him frankly. A subcommittee was appointed by the chairman to consider this bill. On that committee we had some good lawyers. I am not so sure but that I would be no more willing to trust the judgment of the gentleman from Minnesota as to the constitutionality of this bill than to trust some of the lawyers on that committee, although I have a profound regard for the gentleman's legal ability.

Mr. ANDERSON. That subcommittee gave no consideration at all to that question.

Mr. LEVER. The gentlemen on the subcommittee can speak for themselves; they are here.

Mr. HELGESEN. Does not the gentleman think the last half of section 2, beginning with "No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous products manufactured in the United States," and so forth, would interfere with interstate commerce?

Mr. LEVER. If the gentleman thinks so, it might be we can reach that when we come to consider the section under the five-minute rule. I now yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I just wanted to ask the gentleman from South Carolina whether this would not take away from the States the power through their properly constituted authorities to regulate the manufacture and preparation of serum, such as is provided in this bill?

Mr. LEVER. I think not. I do not think we can interfere with the States in the conduct of their business for intrastate commerce. If the bill undertakes to give that power, we might as well quit and—

Mr. MADDEN. The language of the section says "No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous products manufactured within the United States for use in the treatment of domestic animals unless and until said virus, serum, toxin, or analogous products shall have been prepared under and in compliance with regulations prescribed by the Secretary of Agriculture at an establishment holding an unsuspended and unrevoked license, issued by the Secretary of Agriculture as hereinafter authorized."

Mr. LEVER. The language "hereinafter" relates to section 1 of the act, which fixes the kind of establishment that may be licensed at all, and only such establishments can be engaged in the manufacture and sale of these products as are for interstate commerce or foreign commerce. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Does not the gentleman think it would be perfectly easy to prepare a bill which would cover all that is necessary for the purposes sought and still have one as to which there would be no doubt of its constitutionality? I see no reason why we should go into these doubtful questions at all, assuming them to be doubtful. I entirely agree with the gentleman from Illinois in what he said and would go a little further with my doubts than he did.

Mr. LEVER. Well, I did not go into the constitutionality of this proposition myself. I will say to the gentleman I referred this matter to a subcommittee, and I have great confidence in the legal judgment of that subcommittee, and also that of the Solicitor of the department, and, while I do not know, I have faith in the constitutionality of this proposition.

Now, just one other feature, gentlemen, and then I am through. The gentleman from Wisconsin [Mr. STAFFORD] complained somewhat earlier in the day that we placed an unusual burden upon the railroad companies in that we required them to have a certificate from the shipper that his product, being offered for shipment, had been manufactured under proper conditions. The answer to that is the suggestion of the gentleman from Indiana [Mr. Moss] in his statement. We are dealing with an extraordinary situation here. Hog cholera is a highly infectious disease. Hog-cholera virus and serum can carry even other diseases than hog cholera itself. It is supposed, I think, that the recent outbreak of the foot-and-mouth disease was caused from impure hog-cholera serum; that is, it had the foot-and-mouth disease germs in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. Seventeen minutes.

Mr. RUBEY. I yield five minutes more to the gentleman.

Mr. ANDERSON. It is not an offense under this act to deliver to the common carrier any of this virus or serum without presenting a certificate. Now, how is the railroad company going to know, if a package is not labeled, and it is not required to be labeled, whether it contains this virus or not?

Mr. LEVER. The railroad company, I will say to my friend, must put itself on guard in a situation of this kind and see that it is not going to violate the law.

Mr. ANDERSON. What is the necessity for it?

Mr. LEVER. The necessity for it is that unless you throw around this the most stringent safeguards somebody, somehow, is going to get into interstate commerce shipments that are either impure or impotent, which would cause the loss suggested by the gentleman from Indiana [Mr. Moss] in his own district, or you are going to get impure stuff or contaminated stuff, which may cause another outbreak of the foot-and-mouth disease. So I feel that we can go rather far in restrictive measures on a proposition involving that great danger.

Mr. STAFFORD. Every container in interstate commerce must contain the name of the manufacturer, the date of manufacture of this serum, and, if some of the serum happens to get into interstate commerce that has not been manufactured in an establishment that has a permit, why can not the department

then ferret out the manufacture and punish him under the penal provisions of this statute?

Mr. LEVER. Well, we want every agent on his tiptoes to see that nothing impure, contaminated, or impotent is going to get into interstate commerce.

Mr. STAFFORD. Are you not going too far? Would you put an undue hardship on the carriers when it is not necessary? You are taking supervisory control over these establishments. You are giving the department full power to determine the character of the establishment or the conditions prevailing in the establishment; and if they do not conform to the requirements laid down by the Secretary of Agriculture the manufacturer goes out of business without any appeal whatsoever. His establishment is closed up. I do not recall an instance where such great powers are vested in the Secretary of Agriculture for the enforcement of this act if they do not conform to the requirements as laid down by him.

Mr. LEVER. The gentleman is taking all my time.

Mr. STAFFORD. I do not want to do it; but it is a serious question.

Mr. LEVER. It is a serious question. I called the gentleman's attention a moment ago to the fact that the Secretary is now given authority under the act relating to the matter of exportation of these animals to prohibit the clearance of a ship unless the ship is furnished with a certificate of the health of the animals. We are not doing any more in this bill for our domestic commerce and the protection of it than we are doing now in the protection of foreign commerce for foreign countries. In addition to that, in the act of 1903 for the prevention of the spread of contagious diseases of live stock, and other purposes, the Secretary of Agriculture may require, and does require, a certificate of freedom from disease of the individual before he can move his cattle or hogs across a State line, and, as well, requires the same certificate of a shipper. So that this is not an unprecedented proposition at all.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. MADDEN. The gentleman, I suppose, would be willing to concede that it would be easy to discover the disease in the animal before the shipment was made, and hence—

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I will answer that question under the five-minute rule.

Mr. MADDEN. Mr. Chairman, I ask recognition in my own time.

The CHAIRMAN. The time is within the control of the committee.

Mr. STEELE of Iowa. I yield five minutes to the gentleman from South Carolina.

Mr. MADDEN. Hence the transportation company will be able to obtain the information as to whether the disease existed in the animals or not, but it can be well conceived how impossible of ascertainment that information would be in the case of a sealed package, for example. What right would the shipping company have to open a sealed package and make a chemical analysis of it?

Mr. LEVER. It would not have that right at all. All they would have to do would be to demand of the shipper, if they had suspicion that this was a package of serum, a certificate that it had been put up under the rules and regulations promulgated under this act.

Mr. MADDEN. There would not be anything, then, to prove it was not contaminated in some way?

Mr. LEVER. That relieves him. All he has to do is to have a certificate.

Mr. MADDEN. The gentleman stated a few minutes ago that cases had been discovered where serum had been shipped and used, and that foot-and-mouth disease had resulted from the use of the serum which was intended for another purpose.

Mr. LEVER. But this certificate is an absolute protection to the shipper. He is not held guilty if he can show he has received a proper certificate from the shipper. That is really a protection to the carrier.

Mr. TILSON. Will the gentleman yield for one more question.

Mr. LEVER. Yes.

Mr. TILSON. That is in regard to section 13. What is the terrible evil anticipated here that has caused this penalty for bribery to be put in—the penalty of \$5,000 fine or two years' imprisonment, or both? Is there any danger in particular that is imminent requiring such severe penalties?

Mr. LEVER. No; not that I know of, except that we are trying to throw all of the extraordinary precautions around the manufacture of this serum and this virus that it is possible

for us to conceive, because of the highly infectious nature, not only of the disease itself and of the virus which we are putting into interstate commerce, but because of the fact that it may carry other highly infectious diseases. We are trying to go to the very limit of restrictions here in its use in commerce.

Mr. TILSON. It seems to imply a lack of confidence in the officers of the Department of Agriculture. In fact, the provision for such penalties as are here imposed is somewhat unusual, especially where Government officials are concerned.

Mr. LEVER. It is unusual because we are dealing here with an unusual situation all the way through.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HELGESEN. Is there not an important thing in regard to the carrier that is overlooked? That is the fact that the serum will be handled by the drug trade. Now, suppose in a general drug shipment there will be some serum included without a certificate as to the serum. In that case they would be held unless there is that certificate.

Mr. LEVER. Well, the railroad company must be on its guard about that. It is up to the railroad company to keep its own skirts clean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. Mr. Chairman, how much time is left upon the other side?

The CHAIRMAN. Three minutes remain to the gentleman from Minnesota [Mr. ANDERSON].

Mr. RUBEY. Mr. Chairman, I want to say that in the beginning, in 1913, when the first bill was prepared, it was prepared in the Agricultural Department. It was based upon the act which was passed by Congress in 1902, which related to the serum and virus that were used for the treatment of the human family. That act has been upon the statute book since 1902. The act of 1913 was founded upon that act and followed it almost word for word in its language; many of the provisions contained in the bill which we now have before us for consideration, and to which some objections have been made as to their constitutionality, are in the same language, almost word for word, as is employed in the Adamson Act which was passed a few days ago and which referred to the serums, toxins, and analogous products which are used for the treatment of the human family.

Now, there are many of us on the Committee on Agriculture who are not lawyers. We must depend upon others for our information as to the constitutionality of any given provision. The subcommittee which had charge of this bill had upon it one or two prominent attorneys, who went into that matter carefully. Not only that, but the Solicitor of the Department of Agriculture, who is an eminent lawyer, has given this bill his very careful consideration. He has had it under consideration a number of times. We have consulted him upon this proposition and upon that proposition, and he has given it as his opinion that there is no question in the world as to the constitutionality of this bill.

Now, further I can not say, because I am not a lawyer, and I do not know. But as a layman, and looking at it from my standpoint as a layman and comparing it with other measures that have been passed by this body, and whose constitutionality, it seems, has never been questioned, it does seem to me that this measure is constitutional.

Mr. SLOAN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. RUBEY. Yes.

Mr. SLOAN. I would like to ask the gentleman whether he knows of any particular feature in this bill that is not embodied in the act of 1902 relating to toxins, serums, and so forth, used for the human family?

Mr. RUBEY. Well, there are some.

Mr. SLOAN. What are they?

Mr. RUBEY. There is one relating to the shipment and labeling, and some things of that sort.

Mr. SLOAN. Is it merely a matter of shipping?

Mr. RUBEY. The bill goes a little more into detail, and has in it some things that are not in the other bill.

Mr. SLOAN. I was directing my question to the purpose of simplifying the consideration, because I understood at the beginning that this bill as drafted intended to follow the act of 1902 relating to toxins, serums, drugs, and so forth, for use in the human family, and that it was not to seriously depart from that act.

Mr. RUBEY. I do not think there are any provisions in this bill whose constitutionality is questioned differing from the provisions of the other bill, except perhaps in one particular.

Mr. SLOAN. What was that?

Mr. RUBEY. I think it possibly related to the shipment. I am not sure.

Now, Mr. Chairman, I will ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has three minutes. If he does not desire to use it, the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to issue licenses for the maintenance in the District of Columbia, the Territories, or any place under the exclusive jurisdiction of the United States, of establishments for the preparation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals and for the maintenance in any State of establishments for the preparation of such viruses, serums, toxins, or analogous products for shipment from such State to or through any other State, or to or through any Territory or the District of Columbia, or to or through any foreign country.

Mr. MOORE of Pennsylvania. Mr. Chairman, can the gentleman in charge of the bill state how many licenses are likely to be used under this paragraph?

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To strike out the last word.

Mr. RUBEY. About 90 have been licensed under the old bill, and probably that many would be licensed under this act.

Mr. MOORE of Pennsylvania. Are they all manufacturers?

Mr. RUBEY. They are manufacturers, making this serum.

Mr. MOORE of Pennsylvania. Where are they located?

Mr. RUBEY. Principally in the live-stock centers—Kansas City, Omaha, Chicago, and other centers of that sort to which live stock is shipped, although there are serum plants in nearly every State.

Mr. MOORE of Pennsylvania. The terms are general here. They are made to apply only to the treatment of domestic animals. That might include cats and dogs as well as hogs and horses. I wanted to know if this would extend so far as to require a druggist dealing in these serums and toxins to take out a license?

Mr. RUBEY. Not unless he became a manufacturer.

Mr. MOORE of Pennsylvania. It might be that a druggist would prepare some of these things.

Mr. RUBEY. If a druggist prepared something and sold it as a serum, he would come under this act unquestionably. Instead of being a druggist, he would then become a manufacturer.

Mr. MOORE of Pennsylvania. "Analogous products" might be widely and liberally interpreted by a man who wanted to go into the business and did not come under the license contemplated in the law.

Mr. RUBEY. Under the act of 1913 we have had no trouble along that line.

Mr. MOORE of Pennsylvania. I mention it because in the antinarcotic law the effort was made to register everybody who dealt in the articles referred to, and there has been some complaint about the operation of that law.

The gentleman thinks it is entirely covered?

Mr. RUBEY. I think it is entirely covered.

Mr. MOORE of Pennsylvania. And it would not apply to druggists?

Mr. RUBEY. I think not at all.

Mr. SLOAN. It would apply to druggists if they dealt in interstate commerce.

Mr. RUBEY. If the druggist was a manufacturer of the article—

Mr. SLOAN. Or if he sold it in interstate commerce.

Mr. ANDERSON. If he delivered it for shipment in interstate commerce.

The Clerk read as follows:

Sec. 2. That it is hereby made unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia or in the Territories, or in any place under the exclusive jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product, for use in the treatment of domestic animals. No person, firm, or corporation shall prepare, sell, barter, exchange, or ship or deliver for shipment as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States for use in the treatment of domestic animals unless and until said virus, serum, toxin, or analogous product shall have been prepared under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture, as hereinafter authorized.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 2, line 11, strike out all after the word "country," in line 11, and lines 12, 13, 14, and 15, including the word "aforesaid," in line 15.

Mr. ANDERSON. Mr. Chairman, the amendment which I offer is directed to the specific defect to which I called attention in the general debate. The section under consideration makes it an offense for anyone to sell, or to deliver for shipment in interstate and foreign commerce, any virus, serum, and so forth, which may be harmful, contaminated, or impotent, regardless of whether the article has been inspected and passed by the Department of Agriculture. As I stated before, it seems to me that when the article has been inspected and passed by the department, and so declared to be potent and free from contamination, it ought to be lawful to sell it anywhere, or to transport it anywhere in the United States.

I think the amendment also cures, in part at least, the defect to which the gentleman from Illinois [Mr. MANN] directed the attention of the committee, because it does limit the effect of the section to the sale of an article in the District of Columbia or in the Territories, or its delivery for shipment in interstate commerce, or its transportation in interstate commerce.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. In connection with the gentleman's remarks I should like to inquire a little further with reference to a matter stated in the report. The report states that the outbreak of foot-and-mouth disease was connected with or brought about by reason of infected virus.

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. But it does not state whether this virus was shipped in interstate commerce by reason of the insufficiency of the present statute, or by reason of the failure to inspect the virus, through the insufficiency of the present statute. Can the gentleman give me any information on that point?

Mr. ANDERSON. I can not. I can say this, however, that since that outbreak the department has adopted a very simple process or test, which enables it to eliminate the possibility of the presence of the germs of foot-and-mouth disease in the serum.

Mr. GREEN of Iowa. Then to go further, seeing that the gentlemen who have charge of the bill have not stated it, so far as I am aware, is the gentleman able to give the committee any reason for all this elaborate machinery that is provided for in this bill, for this repetition of penalties in various forms, for this effort, as the gentleman from South Carolina stated, to throw around the manufacture of this serum every possible restriction that could be thought of. Those may not be his exact words, but that is substantially the idea.

Mr. ANDERSON. The reason is this, that under the present law it is possible that contaminated serum might find its way into commerce, because the department does not have absolute control over the tests. Under the present law the department does not make the test, and it can not be absolutely certain that the processes of manufacture will be such that the tests applied will be sufficient and that the animals used will be of such a character as to make it certain that the product when the serum enters into commerce will be free from contamination and will be potent; but it is expected under this bill, under which the department does make the tests, that the department will be able to say absolutely that the product is potent and free from contamination.

Mr. GREEN of Iowa. The gentleman is coming to the point which I desire to reach. Would it not be sufficient to add to the present law a provision providing for this test, in addition to the provisions of the present law, which require the factories to be licensed and to be under the control of the Government?

Mr. ANDERSON. I do not think it would be sufficient simply to ingraft on the present law the requirement that the department shall make the test. I think it is absolutely essential that there should be some requirement that the manufacturers be licensed.

Mr. GREEN of Iowa. That is in the present law, is it not?

Mr. ANDERSON. Under the present law they are licensed, but the license does not give the department the control which it will have under the proposed legislation.

Mr. PARKER of New Jersey. May I be permitted to ask a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Is there any reason why this provision as to viruses, serums, and analogous products might not be extended to all medicines, so as to have medicines manufactured only in establishments licensed by the Government?

Mr. ANDERSON. The gentleman is leading me to a field into which I do not want to go.

Mr. PARKER of New Jersey. The field is not led into by me. It is led into by the bill. I will ask the gentleman whether the bill does not necessarily constitute a serum trust?

Mr. ANDERSON. My answer to that is that I do not think so.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANDERSON. I should like to say just a word or two, but I will yield further.

Mr. MOORE of Pennsylvania. In line with the questions put by the gentleman from Iowa, does not the Secretary of Agriculture, in his letter dated June 7, answer as to why the Government does not enter upon these tests on its own account?

Mr. ANDERSON. The Government is entering on these tests on its own account through this bill.

Mr. MOORE of Pennsylvania. I will not take the time of the gentleman to read it, but on page 7 of the report will be found a statement by the Secretary of Agriculture saying that these test establishments should not be created, because of the expense.

Mr. ANDERSON. The gentleman has not been here during all the debate. If he had been he would have heard my statement that originally the Secretary recommended that test stations should be established, which would be under the full control of the Government, where samples of all the serums could be brought and tested, and the purity and potency of the serums definitely ascertained. In this bill it is provided that the tests may be conducted in the establishment where the products are manufactured, which was not at first proposed to be done.

Mr. MOORE of Pennsylvania. In the private establishment?

Mr. ANDERSON. Yes.

Mr. MOORE of Pennsylvania. In this letter of June 7, 1916, written by Secretary of Agriculture Houston, quoted on page 7 of the report, it is stated that—

In view of these circumstances it is questionable whether the establishment of test stations at this time is advisable.

Mr. ANDERSON. I think the purpose is to make tests in the establishment, but not to establish an elaborate scheme of central test stations for the purpose of making the tests.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to read two or three sentences from the Secretary's letter?

Mr. ANDERSON. I will.

Mr. MOORE of Pennsylvania (reading)—

In contemplation of the authorization of Government test stations, as recommended in the report, the department made careful estimates of the cost of establishing and maintaining a sufficient number of them adequately to carry out the purposes intended to be effected. It was found that the expense would be very large. The initial appropriation needed, it was estimated, would be several hundred thousand dollars, which would have to be supplemented by a considerable annual appropriation.

In view of these circumstances it is questionable whether the establishment of test stations at this time is advisable.

Mr. ANDERSON. That is what I said. It is a question of the establishment of test stations.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. ANDERSON. Certainly.

Mr. SMITH of Michigan. Is it not true that the Government prepares some of these serums itself and has test stations?

Mr. ANDERSON. I think not; there are States that have commercial stations, but I think the Government has not.

Mr. SLOAN. The Government prepares some of this serum near Ames, Iowa, but not for commercial purposes.

Mr. RUBEY. Mr. Chairman, I hope that this amendment offered by the gentleman from Minnesota will not be agreed to. He proposes to strike out the words, in effect, "that no person, firm, or corporation shall prepare, sell, barter," and so forth. The very moment you allow the unrestricted sale of this serum you are taking away from the manufacturer the responsibility that should rest upon him. Whenever you have licensed a manufacturer all he has to do to get rid of responsibility under this amendment is to get it into somebody's hands who can sell it wherever he pleases and not be subject to the provisions of this act.

Mr. ANDERSON. Does the gentleman think it ought to be an offense for a man to sell an article which the Government that will prosecute him says is all right, potent and free from contamination? That is what this bill does.

Mr. RUBEY. The Government makes the test, but the article may go into the hands of unscrupulous purchasers who can sell where they please and not be subject to punishment under this act under the gentleman's amendment. The act of 1913 contains the identical language which this bill contains and which the gentleman wants to strike out. The act of 1902 contains in substance the same language that is in this act. There has

been no criticism and no objection to those acts which contained this language.

Mr. MANN. Will the gentleman yield?

Mr. RUBEY. Yes.

Mr. MANN. If that bill the gentleman alludes to worked well, why do we need this bill?

Mr. RUBEY. Because we are giving additional authority to the Secretary of Agriculture for supervision at the factory.

Mr. MANN. That is the very thing. The bill to which the gentleman alludes has not worked well because it confines it practically to forbidding the sale of worthless serum. Here is a bill where you propose to make it work well by requiring that all shipments shall be tested before they go out of the manufacturer's establishment, and yet you say that no one shall sell worthless serum. What is the need of that? Are you going to put a man on notice when he buys a serum that is tested and approved by the Government that he is to make an examination of it and see whether it is worthless or not? If the inspector has not performed his duty, why should we hold the man who suffers from getting worthless serum criminally responsible?

Mr. RUBEY. My idea is that the moment you adopt this amendment you take away the responsibility of the manufacturer.

Mr. MANN. No; you put the responsibility on the manufacturer. You take it away from the dealer and make the manufacturer liable. Why should you hold the dealer responsible? The present theory of the law is to hold the dealer liable. That has not worked satisfactorily. You ought to let the dealer go free if he has a package tested and inspected by the Government. That is what you ought to do; but you still retain the provision against the dealer.

Mr. RUBEY. I think we ought to retain both and look after the dealer as well as the manufacturer.

Mr. MANN. Your bill does not even contain the provision which was put in the pure-food law, that the dealer can obtain a guaranty from the manufacturer and so trace it back. Here the dealer who takes the Government test and the Government certificate may be sent to jail because he believed the Government was attending to its duties. I do not think that is fair.

Mr. RUBEY. If an unscrupulous person gets hold of a serum that has been manufactured, he might dilute it or take the stamp off or counterfeit it, and you could not get at him in any way whatever.

Mr. MANN. That ought to be made an offense.

Mr. RUBEY. It will be an offense under this act.

Mr. MANN. Oh, not at all. It is no offense to do anything he pleases with it under this bill as it stands; otherwise it would be an offense to transport any serum in interstate commerce. We have no control over transportation in intrastate commerce. A man in Chicago who purchases this serum in Detroit can do what he pleases with it after it reaches Chicago. He can swindle all the people in the State of Illinois that he pleases and we could not reach him. That is the duty of the State of Illinois; but you undertake to punish the man who legitimately believes the Government has made a proper test.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I differ with the gentleman from Missouri, who has charge of the bill. I think he has not examined carefully the distinction which has been drawn by the gentleman from Minnesota, or he would not say that the present law contains the same provision in the same language. It does contain the same words, but those words are all in one sentence, which contains the words "unless and until said virus, serum, toxin," and so forth, "shall have been prepared under and in compliance with the regulations," and so forth.

Now, in the present bill there is a period and a new sentence before these words that I have last read. They certainly apply only to the words contained in the particular sentence. They do not reach back and apply to the words which are sought to be modified by the gentleman from Minnesota, and I am quite sure that the department, or whoever drew the former bill, never intended that that portion should be an absolute and complete regulation in and by itself, but only as used in connection with the language found in the last part of the sentence in the present law; that is, unless and until such serum was prepared and in accordance with the directions and regulations prescribed by the Secretary of Agriculture. As long as these two parts are separated in the present bill it seems to me quite clear that the amendment offered by the gentleman from Minnesota ought to prevail.

Mr. MOSS. Mr. Chairman, this is simply a question of common honesty and nothing more. There are two parties to every commercial transaction—the producer and the consumer. I am now looking after the interest of the man who consumes the

virus and serum. The pertinent question is, Why should any man be permitted to sell worthless or contaminated virus or serum to the farmers of the United States?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Not just now. And then, when you remember that this virus is carrying the germs of the most deadly disease that can be contracted by hogs, the question becomes doubly important. One of two things ought to happen. Either it ought to be made impossible for a man to sell impure virus and impotent serum or else Congress should prohibit the manufacture and sale of it altogether; otherwise it is that the very dependence on the remedy which will spread the disease. There is no question about that. This law is based upon the theory that it is possible by test to determine whether the virus is pure, and whether the serum is potent. That being true, the man who manufactures it ought to have placed upon him the responsibility of making that test, and he should be permitted to sell only a product which is pure and potent. But here comes a proposition that because it is proposed to license the manufacture of serum and give the power of supervision to the Government, that this action shall relieve the manufacturer of what ought to be an inherent obligation to deliver only that product which he advertises for sale, and that the only protection the purchaser may have will come from the supervision exercised by the Federal Government.

Mr. ANDERSON. The manufacturer does not make the test under this law. The Government does.

Mr. MOSS. The manufacturer ought to be compelled to satisfy himself that his product is a standard one. And that will be the result if it is made a crime to sell worthless serums. But if we permit a manufacturer to sell any product he can by hook or crook get released from his factory by a Federal inspector we will place a premium upon dishonesty, or at least encourage the sale of a low-standard product.

Mr. ANDERSON. Does the gentleman think that a serum, passed by the Government and pronounced to be potent, should constitute a liability on the part of the person who sells it because some other scientist convinces the court that it is not potent?

Mr. MOSS. It is a sufficient reply to say that a serum which will not protect a man's hogs ought not to be sold, and it ought not to be possible to sell it legally under the law.

Mr. GREEN of Iowa. Can you get any better authority than the Department of Agriculture?

Mr. MOSS. Yes; hold the manufacturer to his proper responsibility, and then superimpose the supervision of the Department of Agriculture. This double protection is superior to either one alone. We are in the first stages of regulation. In 1913 it was supposed that the question of regulation was going to assure to the farmers of the United States that they could depend upon the serum that came from licensed manufacturers. It has been proven that they can not depend upon it. The manufacturer has not hesitated to cheat and defraud the purchaser by selling impotent serums.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. In a moment. The theory proposed is that we shall depend upon regulation alone rather than the responsibility that ought to rest upon every manufacturer in addition to regulation. I want them both held responsible—the manufacturer and the Department of Agriculture.

Mr. REAVIS. Under the terms of this bill the Government makes the test of the serum and certifies both as to its potency and the lack of contamination, does it not?

Mr. MOSS. It is given the power to make the test.

Mr. REAVIS. The duty is imposed upon the Government to do it, is it not?

Mr. MOSS. I would assume so; but that does not relieve the manufacturer of his responsibility—to sell the quality of serum which he advertises for sale. No manufacturer could sell worthless serums if he advertised them as such.

Mr. REAVIS. If you are going to prosecute a dealer for selling in interstate commerce this product which the Government has certified to be pure, are you not going to make him liable upon the prosecution of the United States for a mistake which the United States itself made?

Mr. MOSS. The theory of the gentleman will not hold, because if the Government of the United States has inspected it, and the serum itself is potent, the man can not be prosecuted, because it will comply with the law and with his proper obligation to his customer. But if the serum is impotent or the virus is impure, the manufacturer has no right to sell it even if it has been inspected and passed by the Government. The condition we wish to destroy is where impure virus and impotent serums are being sold to farmers for use in their herds.

I do not care whether the fault lies with the United States Department of Agriculture in its inspection, or whether it lies in the manufacturer. If, as a matter of fact, worthless, impure serum is sold, the damage to the purchaser is just the same, and I do not care to make it possible for them to be sold and no man held responsible for it. That is the objection that I have to this amendment.

Mr. REAVIS. Mr. Chairman, if this bill contained no provision requiring the Government to inspect and certify as to the purity and potency of the serum, the position taken by the chairman of the subcommittee and the gentleman from Indiana [Mr. Moss] would be entirely justified, but the burden of determining the lack of contamination or potency of the serum is placed upon the Government itself. Notwithstanding the fact that the Government certifies the purity and potency of the serum, in the absence of the amendment of the gentleman from Minnesota, the dealer is to be prosecuted by the United States and severely punished because of a mistake which the United States itself committed. If this bill carried a provision that the serum should be inspected by the dealer before entering it for shipment in interstate commerce, I could readily understand why he should be subjected to prosecution for shipping either impotent or contaminated serum, but when not only the authority but the duty is imposed upon the Government of inspecting the serum, of certifying as to its potency, and the dealer is lulled into the security by the certificate which the Government itself issues, then, because the Government itself makes a mistake in its examination, you by this measure visit the evil of that mistake upon the man who is nowise responsible. The Government becomes a plaintiff in a criminal prosecution against an innocent party because of a mistake which the Government itself has made. I think the amendment ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chairman announced the ayes appeared to have it.

Mr. RUBEY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 35, noes 24.

So the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 16, after the words "United States," insert the words "or imported therein."

Mr. RUBEY. Mr. Chairman, I would like to have that amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection.

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, I call the attention of the gentleman who has this bill in charge to this fact which is the basis for this amendment. In line 16 the language is that the law shall apply to any serums, and so forth, manufactured within the United States. Now, if that shall be all, then all that will be necessary for any manufacturer of an impure or infected virus, if this bill passes, will be to move his establishment over to Mexico or the Canadian border and engage in the traffic there and ship the infected virus all over the United States.

Mr. RUBEY. We have a provision in this bill that applies to importations. We have a provision providing for the inspection of viruses and serums imported.

Mr. TOWNER. If that be the case that makes it doubly necessary to put that language in.

Mr. RUBEY. I do not see any particular objection to it.

Mr. LEVER. I call the gentleman's attention to line 10, page 4, section 5, prohibiting imports into the United States without a permit from the Secretary of Agriculture. I think that covers the gentleman's suggestion.

Mr. RUBEY. I did not understand the gentleman's amendment as at first reported. It would be impossible for us to go into a foreign country and inspect and license a manufactory in that country.

Mr. TOWNER. Even there you say it shall not be imported without a permit from the Secretary of Agriculture, and this is a provision by which somebody will make an investigation and examination.

Mr. RUBEY. I will say to the gentleman that there is very little importation of serums and practically no importation of hog cholera serum at all.

Mr. TOWNER. There might be a good deal if this bill passes. I will say to the gentleman, however, I do not desire

to insist upon that if the gentleman thinks that point has been entirely covered.

Mr. RUBEEY. I do not think it will be practical for the Department of Agriculture to go into the inspection of factories in foreign countries. That could not be done.

Mr. SLOAN. Let me suggest that this serum is patented in Canada and other foreign countries.

Mr. RUBEEY. All serum imported now under the provisions of this act are inspected and come in under a permit.

Mr. GREEN of Iowa. Section 5 provides for the inspection of the imported serum.

Mr. RUBEEY. It does. I hope the amendment will not be agreed to and I hope the gentleman will not insist upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 2, line 19, after the word "been" insert "examined by and approved, or."

Mr. TOWNER. Mr. Chairman, that amendment is simply introduced for this reason: The language of the section is that viruses must be prepared under and in compliance with regulations prescribed by the Secretary of Agriculture. Now, if you prepare it under regulations and in compliance with regulations prescribed by the Secretary of Agriculture, that would imply that the Secretary of Agriculture should have knowledge of the serum before it was prepared. It seems to me that it would be better and make the bill more efficacious if you should have it in the alternative; that is, that the examination might be made or that it might be prepared under the direction. I submit that for the consideration of the gentlemen having in charge the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is hereby authorized to cause to be inspected and tested, under regulations prescribed by him, all such viruses, serums, toxins, or analogous products for use in the treatment of domestic animals, prepared or intended for sale, barter, exchange, or shipment as aforesaid by any establishment licensed under this act. If, as a result of such examination, inspection, or test, it shall appear that such virus, serum, toxin, or analogous product is worthless, contaminated, dangerous, or harmful, the same shall be destroyed by the owner or manufacturer thereof, or by any other person, firm, or corporation in possession of the same, in accordance with the regulations prescribed by the Secretary of Agriculture. It is hereby made unlawful for any person, firm, or corporation to sell, barter, exchange, or ship or deliver for shipment as aforesaid, or otherwise than in compliance with the regulations prescribed by the Secretary of Agriculture, to remove from any establishment licensed under this act any virus, serum, toxin, or analogous product for use in the treatment of domestic animals which has not been examined, inspected, tested, and passed in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 15, after the word "animals" insert the words, "and for transportation in interstate commerce."

Mr. HELGESEN. Mr. Chairman, I think we will all agree that we have no authority to interfere with intrastate manufacture or sale, and while it is true any court in reading this bill might come to a fair conclusion as to what was intended by the man who drafted it or by the men who enacted it into law, yet it seems to me that by the insertion of these words it would remove the necessity for any such interpretation and make the meaning absolutely fair, and I therefore hope the amendment will be adopted.

Mr. RUBEEY. Mr. Chairman, I do not object to the amendment. I think possibly it might be better put in this way. In line 14, after the word "remove" insert the words "for interstate shipment" from any establishment, and so forth. Would not that meet the gentleman's viewpoint and put it in a better place in the bill?

Mr. HELGESEN. All right, I will accept that.

Mr. RUBEEY. If the gentleman will withdraw his amendment I will offer it.

Mr. HELGESEN. I will accept that as a part of my amendment. Mr. Chairman, I ask unanimous consent to withdraw my amendment in order to accept the other.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HELGESEN. I move to insert, after the word "remove," in line 14, the words "for interstate shipment."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 14, after the word "remove," insert the words "for interstate shipment."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That no license shall be issued under the authority of this act to any establishment where viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, except upon the conditions that the licensee will conduct the establishment and will permit the inspection of such establishment and of such products and their preparation, and the examination and testing of the same, and will furnish all necessary animals, materials, and facilities for making such inspections, examinations, and tests, in compliance with the regulations prescribed by the Secretary of Agriculture.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 4, at the end of line 5, strike out the period and insert the words "and will keep such records as may be required by him."

Mr. ANDERSON. Mr. Chairman, section 14 of this act authorizes the Secretary of Agriculture, by regulation, to prescribe the records to be kept and reports to be made by establishments licensed under the act. I suppose that authority is sufficient, but it seemed to me that it might be desirable to make the keeping of these records one of the conditions prescribed in section 4. And I therefore submit the amendment for what it may be worth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That no carrier, or other person, firm, or corporation, shall transport or receive for transportation from one State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia, or to or through any foreign country, any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, unless and until the shipper or his agent shall make and deliver to such carrier, or other person, firm, or corporation, a written certificate, in form prescribed by the Secretary of Agriculture, signed by the shipper thereof or the agent of such shipper, stating that the same has been prepared under and in compliance with the regulations prescribed by the Secretary of Agriculture at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture under this act, or has been imported into the United States by an importer holding an unsuspended and unrevoked permit issued by the Secretary of Agriculture under this act, and stating the kind and amount of the product transported or offered for transportation, the license number of the establishment which prepared the same or the permit number of the importer who imported the same, that it is not at the time of shipment or delivery for shipment worthless, contaminated, dangerous, or harmful, and such other facts as the Secretary of Agriculture may require by regulations made pursuant to this act.

Mr. MANN. Mr. Chairman, I move to strike out the section, and I sincerely hope the gentleman will not ask to have the section remain in the bill. What is the situation? These viruses and serums are handled largely through drug stores, I take it. Is not that the case, may I ask the gentleman from Indiana [Mr. Moss], if he knows?

Mr. MOSS. I think, Mr. Chairman, that up to the present time they are sold almost entirely direct from the manufacturer to the consumer.

Mr. MANN. Well, I know that farmers in the part of the country with which I am familiar have been able to go to the drug store and get some of these viruses—the hog-cholera virus, and so forth. Now, there is no requirement in the bill that they shall be labeled. Here is a country drug store in a district where there is a threatened outbreak of cholera, or possibly an outbreak somewhere near there, and it is foolish to suppose that each one of the farmers would order a package of the virus from the manufacturer. The country drug store makes an order for drugs and not merely for viruses. They will be handled through the big drug-store manufacturing concerns, who are the manufacturers in the main. They are not labeled. When they are shipped they are not called viruses or serums, but called drugs.

Mr. RUBEEY. Section 9, on page 7, says that containers of viruses, serums, toxins, or analogous products, and so forth, shall bear the name of the product.

Mr. MANN. Certainly. That is the container; that is the package the farmer receives.

Mr. RUBEEY. The gentleman used the word "container."

Mr. MANN. I do not think I did. I said the package was not labeled, and it is not. The inside container is labeled, and properly, but when it is wrapped up the box is not labeled and the paper is not labeled. At least, there is no requirement that it be labeled; and it is shipped to the drug store and goes under the classification of drugs in the broad schedule, and it is called drugs. The railroad company does not know what it is. Even if it is shipped alone the railroad company will not know what it is. It may be 1 package in 50 small drug packages. The

railroad company has no knowledge of it. And yet gentlemen propose to put a knowledge on the railroad company, regardless of their knowledge, because the court has held that over these matters where we have the plenary power the man that does the act does it at his own risk, whether or not he knows anything about it. And, of course, if you said the railroad company had to know in order to be guilty, the provision would amount to nothing, because the railroad company would never know that a serum was contained in an article called drugs.

Now, there is no provision requiring the package to be labeled. We have a provision in reference to the transportation of explosives. There we required a package to be labeled. Now, it is sufficient to put the penalty against the shipper who violates the law by shipping. And it seems to me, with all due deference to the proposition in the bill, it is ridiculous to attempt to impose the penalty upon the carrier who does not and can not know what he is carrying, unless he is told by the shipper. Besides that, there is no occasion for this provision. It puts a burden upon everybody connected with the trade to have to file a certificate. Giving the license number and all information concerning it every time a shipment is made is unnecessary. You forbid any shipment, except it is made in a licensed establishment. That will prevent shipments in interstate trade of everything else except by people who want to defraud. They are reached otherwise. We have never carried in any of these bills relating to interstate commerce, for the purpose of controlling shipments from one State to another, penalties against a carrier who can not know what he is carrying, but we have directed the penalty against the consignor, who knows what he is shipping, or the consignee, who knows what he is receiving. They are the ones to be penalized.

Mr. TOWNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TOWNER. I would like to ask the gentleman if this would not act as a preventive to the shipment of toxins through the United States mails, and hence make the carriers liable for the act?

Mr. MANN. It would make the Postmaster General and probably everybody else connected with the matter liable, because they could not comply with this provision. I do not know, but that might help some.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RUBEY. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois [Mr. MANN] will not be agreed to.

Mr. MANN. You had best get a quorum here, then.

Mr. RUBEY. Section 5 provides that the Secretary of Agriculture shall make the regulation and that no carrier shall receive this for shipment without a certificate. It is a requirement that is not drastic. The shipper goes to the railroad company. He has his package, he has his certificate, possibly pasted on the package. He delivers it to the carrier, and that is all there is to it.

Mr. HELGESEN. Will the gentleman yield?

Mr. RUBEY. Yes.

Mr. HELGESEN. If this section is to be retained, do you think it would be a wise thing to so amend it as to have viruses packed or boxed by themselves and so marked that the carrier could know what he was receiving?

Mr. RUBEY. I do not think there will be any question but that the Secretary of Agriculture, in the regulation he is authorized to make under this provision, will prescribe those regulations which will meet the gentleman's suggestions.

Mr. HELGESEN. That might be true.

Mr. RUBEY. And I want to say this: The drug stores of the country do not, as a rule, handle this serum.

Mr. HELGESEN. They have handled it.

Mr. RUBEY. There is very little of it handled through the drug stores. Practically all of the serum that is handled is handled through veterinarians, and they get their serums direct from the manufacturers.

Mr. HELGESEN. Well, they have not so received them heretofore, and there is no impossibility of joining with that package other packages.

Mr. RUBEY. But that would be an exception to the general rule.

Mr. HELGESEN. I know; but you must provide for exceptions to the general rule.

Mr. RUBEY. There is no question but that the packages of virus and serum will be marked, and this particular product will be wrapped separately and shipped as a separate package.

Mr. HELGESEN. I will call the gentleman's attention to the fact that there are many post offices located near the line between one State and another, and if a farmer in the country

lives near the dividing line the rural carrier delivering that package would not know sometimes what he is carrying, and the package ought to be so plainly labeled that the rural carrier will know what he is carrying.

Mr. REAVIS. I would like to ask the gentleman in charge of the bill a question. Did I understand him to say that the druggists do not handle it?

Mr. RUBEY. They do handle some of it, but comparatively little.

Mr. REAVIS. Does not the gentleman know that in his country and in mine it is handled almost exclusively by druggists; and that they keep special refrigerators for the purpose of retaining the potency of the serum?

Mr. RUBEY. That is not my information as it comes to me from the department.

Mr. REAVIS. And is it sold in a container, usually of a pint in capacity?

Mr. RUBEY. I understand so.

Mr. REAVIS. Do I understand the gentleman to say that there is nothing in this bill that requires the contents of the package to be certified or denoted in some way on the outside of the package?

Mr. RUBEY. There is such a provision in section 9.

Mr. REAVIS. That is the container of the serum itself. But is there anything in the bill requiring that the statement of contents shall be placed on the outside of the package containing it if the serum or virus is packed along with other medicines in a common package?

Mr. RUBEY. That would come up under the regulations of the Department of Agriculture in regard to shipment.

The CHAIRMAN. The question is on agreeing to the motion to strike out section 6.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Section 6 is stricken out. The Clerk will read.

The Clerk read as follows:

SEC. 9. That containers of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals which are sold, bartered, exchanged, shipped, or delivered for shipment as aforesaid shall bear the name of the product, and such devices, marks, or labels for the identification and indication of potency of the same as may be prescribed by the Secretary of Agriculture, in form and manner as required by the regulations made pursuant to this act, and shall not bear, contain, or be accompanied by any statement, design, or representation which is false or misleading in any particular.

With a committee amendment, as follows:

Page 7, line 17, after the word "products," insert the words "its date of manufacture."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Chairman, as to putting on the date of manufacture, as a matter of convenience are these viruses and serums manufactured from day to day?

Mr. RUBEY. Well, I judge they are manufactured in larger quantities than that would indicate. A certain amount of virus is manufactured at a time, and the date of manufacture will probably be every few weeks, possibly not every day, but every few days, or every week or two. I do not know as to that. I am just giving the gentleman my own idea, because I understand it is manufactured in large quantities, and the date on that quantity would be the same date, of course.

Mr. MANN. I take it that under the amendment the day of the month will have to be put on the label. Of course, that means it will have to be written on, not printed. You could not have a new label printed each day.

Mr. RUBEY. They manufacture about 80,000 cubic centimeters in each batch. How long that would last I do not know.

Mr. MANN. I did not know but that it would be practicable to put on the month of manufacture without undertaking to require that you must use a different kind of label or write the day different for each day of its manufacture. The labels in this case are manufactured by the millions and they are put on the packages by machinery. It becomes a very complicated proposition if any of the large drug manufacturing establishments is to be required to put on the label by hand and write the label by hand.

Mr. RUBEY. My understanding is that if they were to put on it the month it would be sufficiently accurate. I think that is a very wise suggestion that the gentleman makes. This is a committee amendment and I offered it here on the part of the committee.

Mr. MANN. I should think the Secretary of Agriculture would have authority under the regulations to require this.

Mr. RUBEY. I suppose so.

Mr. MANN. If we are to put this into the law, so far as I know, by using the word "date" you would have to put the day and the month.

Mr. STAFFORD. Usually when the dates are stamped on these labels they are either perforated or stamped with a rubber stamp. Nearly all the establishments have a rubber stamp for the day on which the business is current.

Mr. RUBEN. I do not think there would be any objection to putting on the label the month of manufacture.

Mr. LEVER. Would that be satisfactory to the gentleman from Illinois?

Mr. RUBEN. The month of manufacture?

Mr. MANN. Yes.

Mr. RUBEN. We want to put on the label the approximate date of manufacture so that anyone who buys it will have some notice of its age.

Mr. HELGESEN. The approximate date of manufacture is a mighty important thing, because if it gets into the trade—and it is handled by the drug trade—it may be potent when the druggist receives it, and he may hold it for five or six years, when it will be no good. I think both the month and the year ought to be included.

Mr. MANN. Of course it ought to cover the month and the year. I think the month carries with it the year.

Mr. RUBEN. Mr. Chairman, I ask unanimous consent to withdraw the first amendment and offer the following.

The CHAIRMAN. Without objection, the committee amendment is disagreed to.

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEN] offers a new amendment, which the Clerk will report.

Mr. RUBEN. Insert in line 17, page 7, after the word "products," a comma and the words "the month and year of manufacture."

The Clerk read as follows:

Amend, on page 7, line 17, by inserting, after the word "products," "the month and year of manufacture."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: On page 7, at the end of line 23, add the following:

"The Secretary of Agriculture shall also cause to be affixed to said containers a device, mark, label, or certificate indicating that the contents thereof have been inspected and passed by him before the same are removed from the place where prepared."

Mr. ANDERSON. It seems to me the purpose of this amendment ought to appeal to the committee—

Mr. RUBEN. I will accept the amendment offered by the gentleman.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That any person, firm, or corporation, or any agent or employee thereof, who shall pay or offer, directly or indirectly, to any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act, or by the regulations made hereunder, any money or thing of value, with intent to influence such officer or employee in the discharge of any duty herein provided for, or which may be provided for by the regulations prescribed hereunder, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or by both; and any officer or employee of the Department of Agriculture, or of the United States, authorized to perform any of the duties prescribed by this act or the regulations made hereunder, who shall accept any money, gift, or thing of value from any person, firm, or corporation, or any officer, employee, or agent thereof, given with the intent to influence his official action, shall be deemed guilty of a felony, and shall, upon conviction thereof, be summarily discharged from his office or employment and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or by both.

Mr. KING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KING: Amend section 13, in line 21, page 9, by adding after the words "official action," the following, to wit: "or shall own, either directly or indirectly, any stock or financial interest in any establishment or establishments sought to be licensed and regulated by this act."

Mr. KING. I understand the committee make no objection to the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That the Secretary of Agriculture shall make and promulgate, from time to time, such regulations as may be necessary to carry out the provisions of this act, including regulations to prevent

the preparation, sale, barter, exchange, shipment, transportation, importation, or exportation, in violation of this act, of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and regulations prescribing the records to be kept and reports to be made by establishments licensed under this act and by importers holding permits issued under this act. All such regulations shall have the force of law.

Mr. MANN. Mr. Chairman, I move to strike out the words in lines 11 and 12, page 10, "All such regulations shall have the force of law."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 10, lines 11 and 12, strike out the words "All such regulations shall have the force of law."

Mr. RUBEN. I accept the amendment. I think it is a very good one.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This paragraph and others in the bill relate to the jurisdiction of the Secretary of Agriculture over imports and exports. That may trench somewhat upon the authority of another committee, and it may also interfere to a certain extent with what are known as Treasury regulations. May I ask whether the committee has considered this phase of the question, and whether it is complying with precedents in giving authority over imports and exports to the Secretary of Agriculture?

Mr. RUBEN. The Committee on Agriculture have taken jurisdiction of these matters in the past. It is a question of jurisdiction. When a bill is referred to a committee that committee has jurisdiction over it.

Mr. MOORE of Pennsylvania. To what extent are these serums and antitoxins imported?

Mr. RUBEN. A very small quantity of serums are imported. Mr. MOORE of Pennsylvania. So far as imported serums, and so forth, are concerned, what are they used for in this country?

Mr. RUBEN. They import some serums for particular diseases of animals, such as, possibly, the blackleg, the serum for lockjaw, and things of that sort.

Mr. KING. Hydrophobia.

Mr. MOORE of Pennsylvania. In the event of some unusual discovery, or some scientific development on the other side, there might be any reason for admitting foreign serums, I was wondering whether—

Mr. RUBEN. They will be admitted, under the provisions of this bill.

Mr. MOORE of Pennsylvania. Have they any advantage over us now in foreign countries in this matter?

Mr. RUBEN. I do not think so. Only a very limited amount of serum is imported into this country. Practically all the serum used in this country is manufactured here.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the tariff on these manufactured serums?

Mr. RUBEN. I have not looked up that matter.

Mr. MOORE of Pennsylvania. Is it customary to give the Secretary of any department except the Treasury Department jurisdiction over exports and imports? The Secretary of the Treasury has charge of the customhouses.

Mr. MANN. If the gentleman will permit my butting in, I think everything of this sort in recent years has probably followed the provisions of the pure-food law, which I drafted. In working out the subject with the Department of Agriculture and the Secretary of the Treasury, or the officials in the Treasury Department who deal with the customs, under that law, under the pure-seed law, and under the law now in force on this subject, whenever anything of the sort is imported it is shown in the manifest. The customs officials turn over a specimen to the officials of the Department of Agriculture. Pending examination the shipments are held in warehouses or elsewhere, and when the Department of Agriculture certifies to the quality and purity of the articles, which certificates give them admission, they are admitted. If there are customs dues to be paid, they are paid. If the Secretary of Agriculture declares that they are impure, or that under the law, so far as he is concerned, they are of such quality that they are not subject to be imported, they are returned to the importer and required to be destroyed or sent abroad, unless the articles are such as can be cleaned or brought up to standard quality in this country. So these regulations have been worked out with the Treasury Department, and I may say to the gentleman that when the pure-food bill came up I consulted with the very distinguished gentlemen then constituting the Ways and Means Committee, whose antagonistic efforts I did not court, and having consulted with them, they did

not oppose what we put in the pure-food law, it having met their approval in advance.

Mr. MOORE of Pennsylvania. I assume if there was a duty on any of these imports the Secretary of the Treasury would collect them. Of course that would not be the duty of the Secretary of Agriculture.

Mr. MANN. The Secretary of Agriculture has no control over the importations except to examine them and report upon the quality of the articles.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Illinois, who is the author of the pure-food law, a very excellent law and which is constantly quoted and doing great service throughout the country, whether in his bill appears language such as appears on line 6, section 5?—

Sec. 5. That the Secretary of Agriculture is authorized to issue permits for the importation into the United States of viruses, serums, toxins, or analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful.

That would appear to be an invitation on the part of the Government, through the Secretary of Agriculture, for people to hunt these things up and bring them into the United States.

Mr. MANN. Of course there is no such provision in the pure-food law. This contemplates that there may be an inspector for the Government of the United States in Canada or in Mexico, and it might be an inspection of some new virus, perhaps some new virus in European countries. That is evidently what it contemplates.

Mr. MOORE of Pennsylvania. It reads as if the Secretary was to invite people to make these importations. I am satisfied with the statement that has been made by the gentleman on the question, but I want in my time to further inquire whether the committee insists on retaining the language found on page 7, line 3:

Pending investigation, a license or permit may be suspended temporarily by the Secretary of Agriculture, without affording the permittee or licensee an opportunity for a hearing.

I intended to raise this question when the paragraph was read, but I was called to the telephone at the time.

Mr. RUBEY. I want to say to the gentleman that it may become necessary to act under that provision.

Mr. MOORE of Pennsylvania. It is a very unusual provision, to take away one's rights without giving him an opportunity to be heard.

Mr. RUBEY. It is only on extreme occasions when that provision will be taken advantage of, but it may be very desirable and necessary to do it. When we passed the grain-standard act we gave the Secretary of Agriculture authority to appoint grain inspectors, and we gave him the authority also to discharge them on certain conditions, and to do so without a hearing.

Mr. MOORE of Pennsylvania. May I ask the gentleman this—I know the gentleman is trying to do the right thing, whether we agree on his bill or not? Suppose a large establishment manufacturing virus, and so forth, with large overhead charges and many men employed, should be complained against by some individual a thousand miles off, who insisted that the particular virus he had received from this manufacturer was impure, and a hostile Secretary of Agriculture should suddenly and without notice and without an opportunity for hearing recall that license and thus throw the establishment out of business. Does not the gentleman think that is giving the Secretary a great deal of latitude?

Mr. RUBEY. The gentleman from Pennsylvania is stating an extreme case. I do not think any Secretary of Agriculture would do a thing of that kind on the statement of a man a thousand miles away. I know that the Secretary of Agriculture could be depended upon to do the right thing. He is not going to suspend a license upon somebody's mere statement.

Mr. MOORE of Pennsylvania. I might have the same feeling, but the gentleman is an experienced legislator, and I question whether he wants to give arbitrary power to a Secretary to deprive a man of the right of hearing.

Mr. LEVER. There might be this situation. An establishment might find itself with a lot of contaminated stuff on its hands and desire surreptitiously to get rid of it. If the Secretary of Agriculture should find it out, he could suspend the license; but it is an extreme case. I think the Secretary ought to have the power temporarily to suspend the license.

Mr. MOORE of Pennsylvania. In that event the man should be arrested at once, and then he could have a hearing.

Mr. LEVER. We provide that the license shall not be taken away until after a hearing except in this extreme case.

Mr. MOORE of Pennsylvania. Is there any other act that the gentleman can mention where a license may be taken away from a man without giving him a hearing?

Mr. LEVER. Yes; in the grain-standard act.

Mr. KING. Mr. Chairman, for the purpose of getting as much light as possible, I want to state an incident where this section would be of very great benefit. In 1915 in a certain location in my district the foot-and-mouth disease broke out again. It was suspected that the serum manufactured by the Chicago Serum Co. contained the foot-and-mouth germs. It was not known, and it became necessary for the Secretary of Agriculture to investigate and to suspend the further sale of the serum until the investigation was made. Now these serum manufacturing are not large institutions, as some gentlemen think. They are small, and a good many are located in the stockyards district in the city of Chicago.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. KING. Yes.

Mr. MOORE of Pennsylvania. Suppose it should happen in a case of that kind that it was not the serum of the Chicago company, but some substitute serum, would it not be unfortunate to have the Secretary of Agriculture stop the Chicago company by suspending the license?

Mr. KING. But would it not be better to stop the company than it would to spread the foot-and-mouth disease?

Mr. MOORE of Pennsylvania. I think the man complained against should be made to explain. May I ask the gentleman if they use a serum in the foot-and-mouth disease?

Mr. KING. Oh, no; I did not so state.

Mr. BORLAND. Mr. Chairman, I want to say to my friend from Pennsylvania [Mr. Moore] that he has probably had no personal familiarity with hog-serum business.

Mr. MOORE of Pennsylvania. I have heard a great deal about it since I came to Congress.

Mr. BORLAND. His knowledge is theoretical and the objection that he raises is theoretical. There is no practical difficulty that will occur under the provision that the committee has put in the bill. The gentleman from Illinois [Mr. King] has stated a case which would be proper for the exercise of this power in the Secretary of Agriculture to suspend the issuance of a license or to revoke a license where a contagious disease is epidemic and is prevalent, and it may become material to immediately stop the shipment of the serum. That has occurred in every big stock center in the country in recent years. It is a measure of safety not only to the agricultural interests, but to all men engaged in the serum business.

Mr. MOORE of Pennsylvania. Would not the Secretary of Agriculture have the power to do that thing in the way of stopping shipments? My point is you are stopping the business at the source by revoking the license; you are putting him to the tremendous inconvenience and expense without a chance to be heard as to whether he is responsible or not. I approve that the Secretary should have the right to stop shipments if bad serum is going to any locality; the shipments should be stopped immediately. I contend the Secretary has that power now, but to say that the Secretary shall immediately upon notice of this kind withdraw a man's permit, and thus close his establishment, would be working an unnecessary and a dangerous hardship.

Mr. BORLAND. That is the practical method of getting at it, and I want to say to the gentleman that it does not destroy his stock on hand.

Mr. MOORE of Pennsylvania. It costs the man a good deal if he employs a hundred hands, more or less, to shut down—

Mr. BORLAND. If the gentleman will listen to me and quit theorizing, I will explain that there is nothing to it. It is being done right along, and has been done ever since the serum business was put under the Government control. The serum is kept at a certain temperature in vaults under the earth. It does not deteriorate, but the order stops the man from shipping a serum into interstate commerce until the question of the danger is determined. The loss to him in the temporary stoppage of a shipment is so much smaller than the possible risk to others by his shipping the serum that there is no question at all in the choice. The Government must make the choice of either permitting him, pending the hearing, to continue what might be widespread danger or of stopping him temporarily. Speaking about a hostile Secretary of Agriculture, the Secretary of Agriculture would never be in a position where he would want to stop the supply of serum that was going to the farmers unless there was absolute necessity for it. It would not be a question of arbitrary action on his part, but it would be a question of the protection of the agricultural interests.

Mr. MOORE of Pennsylvania. I hope the gentleman is right as to the Secretary of Agriculture. I have no criticism to make as to any individual, but I will ask the gentleman now whether revocation of the permit, as is proposed here, without hearing, would not completely stop the entire business of the permittee?

Mr. BORLAND. Yes; but that has occurred before.

Mr. MOORE of Pennsylvania. Would it not go far beyond the purpose the gentleman has in mind, which is the stopping of a shipment?

Mr. BORLAND. No.

Mr. MOORE of Pennsylvania. That may cause much trouble and loss.

Mr. BORLAND. The gentleman is not correct about that. I have had before the Department of Agriculture a half dozen or more cases in my own State where permits had been withdrawn from companies manufacturing serum, and some of them proved to be cases where the permits could be safely issued, and after a hearing were safely issued; but pending the investigation of the matter the safety lies in the withdrawal of the permit.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

Sec. 15. That so much of this act as authorizes the making of regulations by the Secretary of Agriculture shall be effective immediately; all other parts of this act shall become and be effective on and after January 1, 1917.

Mr. RUBEY. Mr. Chairman, I move to amend by striking out the word "January," in line 16, page 10, and inserting in lieu thereof the word "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 16, strike out the word "January" and insert the word "July."

The Chairman. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, this bill if it becomes a law at all at this session will probably not receive the approval of the President prior to the 4th of March. Of course, most of these provisions are now the law.

Mr. RUBEY. A great many of them.

Mr. MANN. Will there be sufficient time between March 4 and July 1 in which to comply with the provisions of the law?

Mr. RUBEY. I think so.

Mr. MANN. Of course the Secretary will have to make regulations. My observation has been, where, before an act can go into effect, regulations have to be made by the department, that it generally takes several months to do it. They can not make regulations without giving notice—that is, they will not, and having hearings—and after they have had hearings they very often make some foolish provisions because of lack of knowledge. If the gentleman is satisfied that four months' time is sufficient, I have nothing against it.

Mr. RUBEY. The department itself thinks that they can get everything ready by the 1st of July and put the act into effect without any trouble at all.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 16. That so much of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914," approved March 4, 1913 (37 Stats. L., pp. 832, 833), as relates to the preparation, sale, barter, exchange, shipment, or importation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals is hereby repealed, effective on and after the 1st day of January, 1917.

Mr. RUBEY. Mr. Chairman, I move to amend, on page 11, line 3, by striking out "January" and inserting "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 3, strike out the word "January" and insert the word "July."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 17. That all moneys appropriated for carrying out the provisions of so much of said act approved March 4, 1913, as relates to the preparation, sale, barter, exchange, shipment, or importation of viruses, serums, toxins, or analogous products for use in the treatment of domestic animals, which shall remain unexpended on the 1st day of January, 1917, are hereby made available for carrying out the provisions of this act.

Mr. RUBEY. Mr. Chairman, I move to amend, on page 11, line 10, by striking out the word "January" and inserting the word "July."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 10, strike out the word "January" and insert the word "July."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman from Missouri indicate how much money there is unexpended under the act of March 4, 1913, that will be available for the purposes of this act?

Mr. RUBEY. There will not be any unexpended by the 1st of July, but the new appropriation for 1918 will be available on July 1.

Mr. MOORE of Pennsylvania. What is the gentleman's estimate of the amount that will then be available?

Mr. RUBEY. There is nothing asked for in this bill. The Agricultural appropriation carries an item of \$172,240 for carrying into effect the act of 1913, and that amount is made available for this act if it should be passed and become a law.

Mr. MOORE of Pennsylvania. Can the gentleman say how many new employees will be employed to carry this into effect?

Mr. RUBEY. They have in the neighborhood of 60 inspectors now, and this act will probably require 15 or 20 more.

Mr. MOORE of Pennsylvania. What will be the entire cost of the operation of the act? Has that been estimated?

Mr. RUBEY. There will be no additional sum needed to that carried in the Agricultural appropriation bill—\$172,240.

Mr. MOORE of Pennsylvania. How will these employees be employed?

Mr. RUBEY. They will be appointed, as they are now, under civil-service regulations, by the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. There is no special provision in this bill that they shall come in under the civil-service law?

Mr. RUBEY. They are now appointed under the civil service, and the additional ones will be appointed in the same manner.

Mr. MOORE of Pennsylvania. The Secretary of Agriculture stated in his letter that it would cost several hundred thousand dollars to establish test stations for serum if the Government were to undertake to do this test work on its own account. Has that been taken into account in the estimate for carrying out this bill?

Mr. RUBEY. That is one reason why this plan has been selected. Another is that the department has discovered a method by which they are able to get rid of any contamination from any disease contained in the serum. By applying the heat tests to it they can kill the germs of the foot-and-mouth disease or any other disease contained in the serum without in any way affecting the serum itself.

Mr. MOORE of Pennsylvania. The Government itself is not actually going into the manufacture of viruses and serums?

Mr. RUBEY. It is not.

Mr. MOORE of Pennsylvania. It is not going into the business of establishing such stations?

Mr. RUBEY. It is not.

Mr. MOORE of Pennsylvania. But it is applying a new force to the investigation of serum and virus factories by sending its agents and inspectors into those factories for the purpose of making tests?

Mr. RUBEY. These tests will be made at the expense of the factory itself under the supervision of the Government.

Mr. MOORE of Pennsylvania. And this plan is cheaper for the Government?

Mr. RUBEY. Very much cheaper.

Mr. SMITH of Michigan. I would like to inquire whether there has been a virus found that will control or cure or prevent the foot-and-mouth disease?

Mr. RUBEY. No; I think not.

Mr. SMITH of Michigan. A good deal has been said about the use of virus for that purpose.

[Mr. SLOAN addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, and had directed him to report the same to the House with certain amendments, with the

recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. RUBEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUBEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. STEELE of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 190. Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee; and

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress.

COMMITTEE ON ACCOUNTS AD INTERIM.

The SPEAKER. The law requires the Speaker to appoint a temporary Committee on Accounts that will take charge of accounts after the Congress will have adjourned, and there are so many things in the rush of the last day or two of a session that it is likely to be forgotten. Therefore the Chair names the following committee now, to serve until the next Congress meets and to begin its duties on the 4th day of March next: Mr. PARK, Mr. JOHNSON of Kentucky, and Mr. SANFORD.

VETERINARY INSPECTORS AND LAY INSPECTORS.

The SPEAKER. The Clerk will call the committees.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. DOOLITTLE] to call up a bill by the direction of the Committee on Agriculture.

Mr. DOOLITTLE. Mr. Speaker, by direction of the Committee on Agriculture I call up the bill H. R. 16060.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16060, with Mr. ALLEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16060, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. COX. Mr. Chairman, I think the bill ought to be read.

The CHAIRMAN. Objection is heard, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after July 1, 1916, the Secretary of Agriculture shall classify the salaries of veterinary inspectors and lay inspectors (grades 1 and 2) as hereinafter provided.

SEC. 2. That the entrance salary of all veterinary inspectors within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be \$1,400 per annum; those of said veterinary inspectors who on and after the date of July 1, 1916, may be receiving a salary less than \$2,400 per annum shall thereafter from said date receive an annual increase of \$100 until their minimum salaries shall amount to \$2,400 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 3. That the entrance salary of all lay inspectors (grade 2) within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be \$1,000 per annum; those of said lay inspectors (grade 2) who, on and after the date of July 1, 1916, may be receiving a salary less than \$1,800 per annum, shall thereafter from said date receive an annual increase of \$100 until their minimum salaries shall amount to \$1,800 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 4. That the entrance salary of all lay inspectors (grade 1) within the classified service and actually employed as such in the Bureau of Animal Industry of the Department of Agriculture shall be \$840 per annum; those of said lay inspectors (grade 1) who on and after the date of July 1, 1916, may be receiving a salary less than \$1,600 per annum shall thereafter from said date receive an annual increase of \$100 until their salaries shall amount to \$1,600 per annum, and after an additional year's satisfactory service their minimum salaries shall be increased to \$1,600 per annum; all other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

SEC. 5. That no promotion shall be made except upon evidence satisfactory to the Secretary of Agriculture of the efficiency and faithfulness of the employee during the preceding year.

SEC. 6. That there shall be appropriated annually in the Agricultural appropriation bill such additional sums to the \$3,000,000 annual appropriation, provided for in the act approved June 30, 1906, found in the Thirty-fourth Federal Statutes, page 674, as may be necessary to carry into effect the provisions of this act.

SEC. 7. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed: *Provided, however*, That nothing in this act shall be construed to repeal any part of the meat-inspection law contained in the act of June 30, 1906 (34 Stat. L., p. 674), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," and in the act of March 4, 1907 (34 Stat. L., p. 1260), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908."

Mr. DOOLITTLE. Mr. Chairman, the chief purpose of the bill is to standardize the salaries of the veterinary inspectors and lay inspectors, grades 1 and 2, by providing a new form of compensation and a definite scale of promotion.

The Civil Service Commission and the Department of Agriculture announced to all who proposed to enter into this newly created branch of the service as veterinary inspectors with the entrance salary of \$1,400, that promotion to \$1,600 would be made after two years' satisfactory service, with promotion to \$1,800 after satisfactory service for two years at \$1,600 per annum. The above schedule was announced by the United States Civil Service Commission in several publications.

The first announcement of the salary schedule for inspector's assistants (now included in the group of employees designated as lay inspectors, grade 1) was contained in the notice issued by the Civil Service Commission for examination to be held on September 5, 1907 (Notice Form No. 1248), which stated the entrance salary as \$840 per annum, promotion to \$1,000 per annum to be made after three years' satisfactory service at \$840, promotion to \$1,200 to be made after three years' satisfactory service at \$1,000.

The committee recognizes that the announcements of the Civil Service Commission are not binding on Congress, and these announcements are cited here only for the purpose of setting forth the circumstances.

The following public announcements regarding this matter were made by Dr. A. D. Melvin, Chief of the United States Bureau of Animal Industry:

[Service Announcements, No. 26, June 15, 1909, p. 50.]

PROMOTIONS DELAYED FOR LACK OF FUNDS.

On account of a considerable increase in the cost of inspection, due to the constantly increasing number of establishments under Federal inspection without a corresponding increase in the funds appropriated for carrying on the work, the bureau now finds it impossible to adhere to the schedule of promotions which have in the past been announced in connection with the positions of veterinary inspector, stock examiner, and inspector's assistant. As a result a number of employees have unfortunately failed to receive the promotions which they expected and which the bureau fully intended to make as planned. Nevertheless the bureau wishes to assure all faithful employees that their work is appreciated and that their cases will be considered just as rapidly as possible.

In view of this notice inquiries on this subject from bureau employees are being filed without reply.

Two similar announcements were later made.

At this point I desire to state briefly what each section of the bill provides for and is intended for. Section 1 prescribes the short title of the act. Section 2 specifies the salary schedule for veterinary inspectors as follows: The entrance salary shall be \$1,400 per annum, and there will be promotions of \$100 per annum until the salary of \$2,400 per annum is attained.

The Civil Service Manual for the spring of 1916 contains the following statement on this question regarding the requirement and qualifications of these inspectors:

The applicant must show that he has graduated from a veterinary college of recognized standing or that he is a senior student in such an institution and expects to graduate within six months from the date of the examination.

The Civil Service Commission also announces the age limit as from 21 to 41 years. Beginning in the year 1917, the Civil Service Commission will require that all applicants for the position of veterinary inspector must be graduates of a school

with a course of four years, leading to a degree in veterinary medicine. In view of this fact, it is evident that the Bureau of Animal Industry will find it difficult to attract capable veterinarians to the service in the absence of an equitable salary schedule being established.

The new Army bill gives to the Army veterinarians rank and commissions up to major with pay and allowance of such office. The maximum pay of a major is \$4,000 per annum. Hence the Army veterinarians will be advanced to \$4,000, with quarters, fuel, and light free. It would appear that the salary provided for in this bill for veterinarians—\$2,400—is reasonable, especially so since the veterinarians provided for in this bill do not have quarters, fuel, and light furnished free, as do the Army veterinarians.

Now, section 3 provides that the salary schedule for lay inspectors, grade 2, shall be as follows: Entrance salary, \$1,000 per annum, with promotions of \$100 per annum until a salary of \$1,800 is attained. These of grade 2 are simply those lay inspectors who have been advanced by promotion from grade 1. Originally they were denominated differently. Grade 1 includes all skilled laborers who under the law formerly were called "taggers"; also inspectors' assistants, from \$840 per annum to \$1,100 per annum. All meat inspectors at \$1,000, \$1,100, \$1,200, \$1,320, \$1,380, and \$1,400 are designated as lay inspectors. They are of grade 2. Vessel inspectors at \$1,200 to \$1,600 per annum are designated as lay inspectors, and they are designated as of grade 2. All stock examiners, at \$1,000, \$1,100, \$1,140, and \$1,200 are now designated as lay inspectors of grade 2. All field stock examiners at \$1,200 were designated as lay inspectors of grade 2. All meat inspectors at \$1,500 were designated as lay inspectors of grade 2. That shows the dividing line between grade 1 and grade 2, as practiced now in the Department of Agriculture in the Bureau of Animal Industry.

Mr. COX. Mr. Chairman, would it disturb the gentleman's statement to ask him a question at this point?

The CHAIRMAN. Does the gentleman yield?

Mr. DOOLITTLE. I should prefer not to yield until I have finished this statement.

As I said, section 3 provides a salary schedule for lay inspectors, grade 2, as follows: Entrance salary, \$1,000 per annum, and promotions of \$100 per annum until a salary of \$1,800 is attained. Those who entered this grade through examinations for the position of meat inspector held from March 6, 1908, to March 3, 1913, were required to have not less than five years' experience in curing, packing, or canning meats, and by reason of their experience in the canning room, dry-salt or sweet-pickle cellars, sausage, lard, oleo, butterline, or beef-extract departments, were competent to inspect meats and meat food products as to their soundness, healthfulness, and fitness for food. Grade 2 includes meat inspectors, stock examiners, field stock examiners, and vessel inspectors, and so forth, as I have previously stated, within the salary limit stated by me.

Section 4 of the bill specifies a salary schedule as follows for lay inspectors, grade 1: Entrance salary, \$840 per annum; promotions of \$100 per annum until a salary of \$1,540 is attained, with promotion to \$1,600 after an additional year's satisfactory service.

Now, the duties of this position are to assist both veterinary inspectors and lay inspectors of grade 2 at slaughterhouses and packing establishments in connection with their duties as inspectors of meat and meat food products. Appointment in grade 2 positions will be made by promotion from grade 1. At least three years' experience in handling live meat-producing animals is a prerequisite for consideration for this position. Experience in handling meat alone will not be considered sufficient. Applicants must have reached their twentieth but not their thirty-fifth birthday on the date of the examination by the Civil Service Commission.

Section 5 provides that promotion shall be upon record of efficiency and faithfulness.

Section 6 provides that, in addition to the permanent annual appropriation of \$3,000,000, there shall be appropriated annually sufficient sums to carry this bill into effect. It is estimated that the additional appropriation for the first year would be \$309,420.

The author of this bill, the gentleman from Nebraska [Mr. LOBECK], is ill at a hospital recovering from a surgical operation, and I am not authorized to speak for him, but I feel safe in saying that he will favor an amendment to the bill providing that the recent 5 per cent and 10 per cent increase in salary and wages granted to the Department of Agriculture employees in the Agriculture appropriation bill passed last Monday shall not apply to veterinary inspectors and lay inspectors under this bill where this bill increases the 5 per cent or 10 per cent, as the case may be.

It is not possible to secure, so we are informed by the Bureau of Animal Industry, an estimate as to how much the additional amount for increased salary as provided by this bill will be in the years after the first year, because they say they have no way of telling how many there will be who will be entitled to advancement, or who will be advanced or promoted. The figures are based on the number of employees in the service June 1, 1916, that will be affected by the bill.

Mr. Chairman, will the Chair notify me when I have consumed 15 minutes?

The CHAIRMAN. Yes.

Mr. COX. This only takes care of the inspectors in the Bureau of Animal Industry?

Mr. DOOLITTLE. Yes; veterinary inspectors and lay inspectors.

Mr. COX. They are meat inspectors at the various slaughterhouses in the United States?

Mr. DOOLITTLE. They have a variety of work to perform.

Mr. WM. ELZA WILLIAMS. They include the live-stock inspectors, do they not?

Mr. DOOLITTLE. Yes. Among the duties to which the employees provided for in this bill may be assigned are the following: Meat inspection; tuberculin testing of cattle; control and eradication of hog cholera; eradication of dourine; interstate inspection of cattle and horses; eradication of glanders, sheep scab, cattle scab, horse mange, and Texas-fever ticks; handling of southern cattle outside of quarantine area; execution and administration of the 28-hour law; eradication of foot-and-mouth disease; inspection relative to existence of contagious diseases; supervision of import and export animals (quarantine of import animals and tuberculin testing of export animals); scientific investigations of animal diseases; control of importations and manufacture of viruses and serums, toxins, and other analogous products.

Mr. COX. Is it the same class of men who were accused of letting the foot-and-mouth disease get away from them about two years ago?

Mr. DOOLITTLE. I think some such charge was made that some inspector did not properly diagnose the disease.

Mr. COX. Which section of the bill applies to that class of inspectors that did let the foot-and-mouth disease get beyond their control?

Mr. DOOLITTLE. Section 2.

Mr. COX. That is the high-priced fellows, the \$2,400 men; that is the class of men that was accused of letting the foot-and-mouth disease get beyond their control?

Mr. DOOLITTLE. I have heard it said that one individual let it get beyond his control; he was probably included in this class.

Mr. SABATH. There would be more efficiency, would there not, if this bill went into effect?

Mr. DOOLITTLE. It should tend to more efficiency.

Mr. COX. I want to call the gentleman's attention to the closing language in sections 2, 3, and 4—

All other promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

That is very plain and very satisfactory to me, but in that connection I want to call attention to section 5, where it says—

That no promotion shall be made except upon evidence satisfactory to the Secretary of Agriculture of the efficiency and faithfulness of the employee during the preceding year.

Now, the language used in sections 2, 3, and 4 gives the Secretary of Agriculture discretionary power to increase salaries of all other employees, and section 5 requires him to be supplied with evidence before he can increase any salary.

Mr. DOOLITTLE. The Secretary of Agriculture would make a promotion if the evidence satisfied him however he might obtain it.

Mr. COX. Yes; then what is the necessity of carrying section 5 in the bill if you prohibit him from using discretion except upon evidence?

Mr. BORLAND. The reason is to prevent the promotions becoming automatic without regard to the record of the man who is performing the labor. Section 3 provides for annual promotions.

Mr. COX. Sections 2, 3, and 4 provide for automatic increases, but section 5 gives the power to the Secretary of Agriculture to increase only upon evidence.

Mr. BORLAND. The automatic salaries are in figures.

Mr. COX. Yes; fixed by figures; but the power it gives to the Secretary of Agriculture to increase salaries is not fixed in figures.

Mr. BORLAND. No. Sections 2, 3, and 4 fix the maximum salaries at \$1,600, \$1,800, and \$2,400. Above that the Secre-

tary of Agriculture can make promotions in accordance with provisions in section 5.

Mr. COX. I want to get the gentleman's interpretation of section 5, which is to this effect: That the Secretary of Agriculture would still have the power to present the automatic promotions even though sections 2, 3, and 4 were enacted into law.

Mr. BORLAND. I think that was brought out at the hearings.

Mr. DOOLITTLE. I think the gentleman from Missouri has correctly interpreted the language.

Mr. COX. If these promotions are automatic, can the Secretary of Agriculture prevent it except by discharging the employee?

Mr. DOOLITTLE. He can, if the record is not efficient.

Mr. COX. It will finally depend on what view the Secretary of Agriculture may take of it?

Mr. BORLAND. No; I do not think it gives the Secretary an arbitrary power.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. DOOLITTLE. Certainly.

Mr. WM. ELZA WILLIAMS. I do not quite understand this provision along the line of what the gentleman from Indiana has been inquiring about. Section 4 has this language:

All other proportions or increases in salaries shall be made at the discretion of the Secretary of Agriculture.

It is first provided for the increase which it would appear was automatic, and that all other promotions shall be made at the discretion of the Secretary. Now, section 5 provides that no appointment shall be made except on evidence satisfactory to the Secretary of Agriculture. Does not there appear a conflict between those two provisions?

Mr. DOOLITTLE. No; I think the gentleman from Missouri [Mr. BORLAND] has explained that. The gentleman will notice that the language of the bill is that the employee shall receive an annual increase of \$100 until the salary shall amount to \$2,400 per annum. Now, when they attempt to advance above the salary of \$2,400 it can only be made at the discretion of the Secretary of Agriculture.

Mr. WM. ELZA WILLIAMS. Do I understand that the language at the close of section 4 only applies to increases in excess of the maximum amount in the preceding sections?

Mr. DOOLITTLE. The way the bill reads their minimum salary shall eventually amount to \$2,400.

Mr. WM. ELZA WILLIAMS. This speaks of lay inspectors of class 1 and 2. What is the distinction between the two classes?

Mr. DOOLITTLE. I gave the duties of these two grades of inspectors a moment ago. No. 2 grade is a sort of graduation from No. 1.

Mr. WM. ELZA WILLIAMS. Do the three classes here mentioned include all of the inspectors and examiners employed in the Union Stock Yards in Chicago?

Mr. DOOLITTLE. That is my understanding.

Mr. WM. ELZA WILLIAMS. Those who attend the scales and inspect the live stock as well as the meat inspectors?

Mr. DOOLITTLE. That includes everything.

Mr. WM. ELZA WILLIAMS. And they are all entitled to an increase under the operation of this bill if they are entitled on their merit to such increase in the discretion of the Secretary?

Mr. DOOLITTLE. That is right. I now yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I want to explain to the House briefly the present status of this meat-inspection service. Back in 1906 a great excitement broke out in this country about the wholesomeness of meat and the sanitary slaughtering of animals. It resulted in the passage through this House of the first post-mortem meat-inspection bill. Prior to that time we had had an ante-mortem inspection of cattle, an inspection on the hoof. That still continues, with some enlargement. This provided for an inspection of the carcasses in the establishments from which the meat or its products were to be shipped in interstate commerce. A permanent annual appropriation of \$3,000,000 accompanied that law, which still exists, but the service has grown beyond the \$3,000,000 annual appropriation and now there is a \$300,000 appropriation added in the Agricultural appropriation bill. Of course, when the service first began it was wholly experimental. Nobody knew exactly what inspection was needed or what force was needed or what classification of employees, or even what their qualifications ought to be. But now the service is no longer experimental. It has become a fixed part of the Government service, so fixed that I take it that nobody would favor or even suggest the repeal of the meat-inspection law. Every family in the United States now relies

with certainty upon the rigid enforcement of that law, and the food products branded, inspected, and passed by the United States inspection service are found in every grocery store and market in the land. It includes the packed products as well as the fresh products.

There are, roughly speaking, two classes in this service. The veterinarians, who are scientific experts, graduates of veterinary schools, and the meat inspectors, who are the graduates of the school of experience, who are experienced meat inspectors. There are two classes of them. This bill further classifies the lay inspectors into grades 1 and 2. Grade 1 is what we used to call taggers. They are the skilled laboring men who are qualifying themselves by experience to be promoted to grade 2. Grade 2 may have been promoted from grade 1, but not necessarily so, because grade 2 was frequently made up of men who have been foremen for many years of large departments in the packing houses. The service gets the experienced men if possible.

The time has come when in justice to the service and in justice to the men and for the efficient carrying on of the business it is necessary they should be classified and a maximum and a minimum salary provided for them, a species of promotion for long service and good record. That is the primary purpose of this bill. This work, while it is centralized probably into some 40 or 50 or 75 packing centers in the country—it is not centered in a half dozen but something less than a hundred—involves 90 per cent, I will undertake to say, of the packed products and possibly 65 to 75 per cent of the fresh products of meat on the American table. It is almost universal in its operation, even though it is local in its work. The slaughtering is done in the great packing houses, beginning at an early hour after midnight, when there is a heavy run of stock, sometimes as early as 2 o'clock in the morning. The meat inspector must be on hand, because the minute the animal is slaughtered in the pit and the chain is put around his leg and he is hoisted to the conveying attachment, the meat inspector is there to inspect the animal. He takes out the viscera, begins to inspect them, the heart, the lungs, the liver, and so on, and he must do that rapidly and accurately. Very little leeway or indulgence is granted him in making a mistake. If he passes an infected part and some other man catches it and a report is made, after three such reports have been made the man is discharged. It is the most rigid, I think, of all the service of the United States in discharging men upon three complaints for inefficiency or lack of attention to their duties. As I say, these men work in the cold and wet, in the packing houses, and they work long hours, sometimes 4 or 5 hours on a stretch and sometimes 10 or 11.

The carcass passes from that across the table where every portion must be inspected. If there is a doubtful case it must go to a place at the upper end of the packing house where the chief inspectors, with an expert inspector in charge, are and is passed on as an appeal case. If the carcass is condemned it goes into a vat where a fluid is put in rendering it unwholesome for food and it is reduced to fertilizer or soap grease later. It is absolutely destroyed. A man who is inspector on the job can not leave until the steam is turned over and every condemned carcass is destroyed and made impossible for use for human food, so that his hours are sometimes long, dependent upon the run of stock. That is the class of work to be done. The scientific work of the veterinarians embraces not only livestock inspection, spoken of here this afternoon, in the prevention of epidemics, but the inspection of carcasses, all parts, as they go through the operations of the packing house. Then comes the meat inspector who inspects the curing of hams and sides of bacon. These men can take a side of bacon out of the brine by sticking a knife or fork or pronged instrument into it and they can draw it across their noses and tell you whether that bacon is going to cure within a certain number of hours and be cured in a wholesome way so as to be preserved. They are experts. They inspect sausage, various canned products, corned beef, and so on. They can tell whether that has been properly cured and their judgment will be demonstrated. Gentlemen, if you take any canned goods and put it away for 2 weeks or 30 days you will find the can they condemned will spoil and the can they told you was good will not spoil. So their judgment is always subject to the practical test of accuracy. I just wanted to give an idea of the work that is being done by these men to show whether these salaries which are no higher in range than the ordinary clerical salary in the District of Columbia, are clear out of proportion on account of the work these men are performing. In my judgment they are not. In my judgment they are quite moderate and will not attract more than the necessary ability that the American people can rely on for this very important service. We could

not very well pay less for such a class of men provided in this bill. We tried to fix the lowest price to get the right kind of men, not to pay the highest price for their services.

Mr. SABATH. May I ask the gentleman a question?

Mr. BORLAND. I will yield to the gentleman.

Mr. SABATH. Is it not a fact 638 men resigned from their positions on account of the hardships they were obliged to endure and the exacting conditions demanded of them, over 20 per cent, last year, and is it not very hard for the department to secure efficient men for this service?

Mr. BORLAND. The gentleman is right about it. The veterinary inspector who is able to do this work is such a clear-headed, quick-witted, and skilled man that he can frequently obtain work elsewhere, especially in these times, and a man who is able to do this meat inspecting is able to secure a position as foreman or a department head, especially in the large packing houses, and they frequently go away from our service to establishments elsewhere. That has frequently been the case.

Mr. KING. Will the gentleman give us some information as to the duties of the inspection of the animals on foot?

Mr. BORLAND. As to the inspector of the animals on foot, when the live stock comes in and are driven into the pen the inspector inspects them for signs of lumpy jaw, tuberculosis, and scabies. If it is the case of a hog he picks out the hog that has a high temperature, which is liable to have hog cholera, and segregates it, and then he passes on the other stock.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I desire two minutes; I want to close this debate.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. He segregates them to see that he does not do any injustice to any man. After it has been examined and condemned it goes to the packing house, and if after post-mortem examination it appears to be diseased in any particular and unfit for human food the owner is paid on the basis of soap grease. If it proves good for human food, then he is paid on the basis of such.

Mr. KING. The gentleman has mentioned a number of diseases. What does he do when making an inspection for foot-and-mouth disease?

Mr. BORLAND. I could not tell you how they arrive at the inspection for foot-and-mouth disease. They usually quarantine a suspected case and watch it. I do not think they can classify or diagnose a case of foot-and-mouth disease by an instant inspection like they can lumpy jaw and some of these other common diseases. But I know about hog cholera. They can tell in 24 hours, because the temperature of the hog may be due to the fact that he is excited from his shipment over the country, and his temperature may be high because of that, and if you give him a chance to cool and rest, his temperature may drop to normal. Then he has not the hog cholera.

Mr. KING. Can you not tell it by the "smacking" of the animal?

Mr. BORLAND. I think so. The foot-and-mouth disease is not so prevalent that we are familiar with it there in the stockyards. Where a case occurs they instantly bring the experts to examine it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, it shall not be my purpose to detain the committee the full hour in opposition to this bill. In my opinion, the bill has not a single leg on which to stand. It is wholly and totally void of all merit, if not of all decency, for many reasons, a few of which I shall endeavor to call to the attention of this committee.

The bill is entitled "Providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture." In the very first place the bill is erroneously entitled. It should be entitled by its true and proper name, and that is "A raid upon the Treasury of the United States, backed by and supported by a salary grab to the extent of \$309,000." That should be the title to this bill, because that is all there is in it, and that is all that is intended to be in it. There is no intention in this bill whatever to better the service. There is no intention in this bill to make the inspection more rigid and severe in their inspections. There is no intention in this bill whatever to detect frauds about to be perpetrated upon the people of the United States merely by and through an increase of salary of these employees.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. COX. For a question.

Mr. YOUNG of Texas. You speak of the increase of the salaries to the extent of \$309,000. That is for the first year.

Mr. COX. That is true.

Mr. YOUNG of Texas. The gentleman loses sight of the fact that the increases go from year to year to the extent of \$100 a year.

Mr. COX. That is true. I want to compliment the committee on reporting this bill out for getting away from the ground on which increase of salaries heretofore has been bottomed. Since Congress met we have been continually besieged to increase salaries because of the enormous increase in the cost of living, as urged by those favoring wholesale increase of salaries. That is the ground upon which all these increases have been sought which have gone on the various appropriation bills. I sincerely desire to compliment the committee in reporting this bill in getting away from that threadbare, worn-out argument. This committee seeks to justify the report on this bill not upon the increased cost of living, but because they say that this class of employee was misled by some kind or some sort of a statement given out by the Civil Service Commission some five or six years ago.

If the Civil Service Commission made any mistake or erroneously let a report go out which misled this class of employees, why, of course, Congress is not bound by that, and the committee concedes that Congress is not bound by such a statement made by the Civil Service Commission. But that is the ground, and it is the sole and only ground, on which this increase of salaries is sought to be bottomed, namely, because the Civil Service Commission made some sort or some kind of a promise some five or six years ago that if men would enter this kind and character of service they would start at a salary of \$1,400 a year, with an increase of \$100 per year thereafter until their minimum salary reached \$2,400.

I want to call this committee's attention to the fact that this week, when the Agricultural appropriation bill passed this House, it increased the salary of these men from 5 to 10 per cent. I want to call this committee's attention to the fact—and if I am wrong I ask to be corrected by some member of the Agricultural Committee, who knows whether I am right or wrong about it—I want to call this committee's attention to the fact that within the last three or four years Congress increased the salary of this same class of men by increasing the appropriation, as I recall now, \$250,000. Now, here is that increase of salary three or four years ago. I do not know just what it amounted to when it was spread out over the salaries of these men.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. COX. I will.

Mr. DOOLITTLE. I simply wish to inform the gentleman that those increases did not go in this increase of salary. The money was spent for other purposes.

Mr. COX. I recall distinctly that I reserved a point of order upon the increase of salaries, and my good and genial friend, for whom I have the profoundest respect, the gentleman from South Carolina [Mr. LEVER] begged me out of it, and I finally let it go in. When that amount was spread out to all of these employees, I do not know how much it increased their salaries; but this much I do know, and this much every member of this committee knows, that this week we put a provision upon the Agricultural appropriation bill increasing their salaries from 5 to 10 per cent, which means an additional increase of salaries of \$900,000 per year, if it becomes a law, and I hope before it becomes a law that some way, somewhere, it will be defeated and this amount saved to the taxpayers of the Nation.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield just there?

Mr. COX. For a question.

Mr. WM. ELZA WILLIAMS. Is not this a fact, that the increases heretofore have been extended to only the veterinarians and that the grades 1 and 2 of lay inspectors had not received any increase, and that amongst the lay inspectors are men, from practical experience, the most efficient in the service?

Mr. COX. I do not know about that; but if that be true, the inspectors are getting a lion's share of this proposed increase in this bill, because they are the ones who get an annual increase of \$100 per year from \$1,400 per year until they reach a maximum salary of \$2,400.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. COX. Yes; I will yield for a question.

Mr. HEFLIN. The gentleman suggests that a provision for raising these salaries already had gone into another bill for an increase of 5 to 10 per cent.

Mr. COX. Yes.

Mr. HEFLIN. I want to call the gentleman's attention to the fact that at the time this bill was reported there was no provision for an increase in the salaries of these men, but the bill

that passed through the House this week does provide an increase of 5 to 10 per cent. I gather from the gentleman's argument that he thinks that that is a sufficient raise and that this is not necessary?

Mr. COX. I opposed the other increase as well as this. I think that neither of them should have been passed. I quite agree with the gentleman that when this bill was reported on the 8th day of June last the increase of 5 to 10 per cent we passed here the other day had not become a law; this high cost of living cry had not been invoked so strongly as it now is. I am not sure but if my genial friend from Kansas had to write this report again, he would bottom it upon the old stock argument of the increased cost of living. But at the time he prepared this report that argument was not as strong, as forceful, or as powerful as it is to-day.

Now, this bill takes care of 1,250 veterinary inspectors, 1,100 lay inspectors of grade 2, and 800 lay inspectors of grade 1, a total of 3,150 inspectors. Let me call the attention of this committee to a fact, and I ask you to seriously consider it, and that is this: If you pass this law, you are going to practically disorganize the entire force of the Department of Agriculture. Why? Because you are providing by this bill for the automatic promotion of these 3,100 men. You are making of these 3,100 men a favored class, the only class in all the fifteen or twenty thousand employees in the Department of Agriculture that will be given the right to an automatic increase in their salaries. And just as certain as you pass this bill, just so certain the day will come when you will have to classify all the other employees of these various bureaus down there, and automatically promote them and increase their salaries. If you are ready to pay the bill, all right. I am not.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield for a question.

Mr. BORLAND. The gentleman is a member of the Committee on the Post Office and Post Roads, and he knows that that is the rule in the Post Office Department.

Mr. COX. That was put in long before I came here. I never would have stood for it if I had been here.

Mr. BORLAND. The work requires experience. Experience is needed for a man to do that work in the Post Office Department.

Mr. COX. Oh, Mr. Chairman, it does not require much experience for a man simply to carry mail on his back in the various cities. That rule of promotion is wrong and never can be defended upon any ground whatever.

This bill has been floating around here for a number of years. I do not know just how long it has been around here. I recall that six years ago, I think it was, I was made chairman of the Committee on Expenditures in the Treasury Department, and for the life of me I am trying to find out how it got out of my committee. But it never got out of my committee when I was chairman of it. I was besieged practically from every source and corner of the United States to report this bill, but it never got out of there. And I have been besieged, as I am sure every other Member has been, from the four corners of the United States to support this bill, but I am not going to do it. Men in my own district, scores of men in my own State, have written me to support this bill. Our great State of Indiana last winter had the nerve and the temerity to ask me to support it. Well, we paid the penalty of it in Indiana in the last campaign for the increase of State salaries during the eight years we were in control there, and I am not going to pay the penalty any more if I can avoid it.

Now consider this section 2, gentlemen of the committee. That does not even provide for a maximum salary. This bill is cunningly prepared. A skillful draftsman wrote it, a man who knew what he was saying to catch Congress, like the man's coon dog—coming and going. They incorporate in it only the minimum salary. That is to be \$2,400 a year for an inspector, and they incorporate in it another provision which will give to the Secretary of Agriculture power to increase the salary of inspectors beyond \$2,400 a year, if the interpretation of sections 2, 3, and 4, as interpreted by the gentleman from Missouri [Mr. BORLAND] is correct, and I presume it is. Why was this language incorporated in this bill, "That all promotions or increases in salaries shall be made at the discretion of the Secretary of Agriculture"? They are automatically increased to \$2,400 a year. That, then, becomes the minimum salary, and from that time on the Secretary of Agriculture is given the discretion, upon evidence presented to him, to increase the salary beyond \$2,400 per year.

My Democratic friends, are you willing to pay the penalty? Are you willing to go upon record, in view of the fact of our platform at Baltimore in 1912, criticizing our Republican friends for the creation of new offices and the increase of sal-

aries, and so forth? If you are, you are going to get a chance for a direct yea-and-nay vote on it. You can vote it. I refuse to do it.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield for a question.

Mr. WM. ELZA WILLIAMS. I want to hear the gentleman's view as to what effect both of these bills will have, the 5 to 10 per cent increase and this bill; whether they will conflict, or whether both increases will be allowed and accumulate?

Mr. COX. I think it would be a cumulative increase. I do not think there will be any question about the increases being cumulative. The 5 to 10 per cent will be added to the salaries of these employees, and if that does not bring them up to sections 2, 3, and 4 in this bill, then, of course, they will go on to the salaries fixed in these three sections.

Section 3 undertakes to take care of the lay inspectors of grade 2. It starts these gentlemen upon a salary of \$1,000 per annum, increasing at the rate of \$100 per year until a maximum salary is reached at \$1,800. What is the reason for it? Has any friend of this bill yet got upon the floor and undertaken to explain to the committee that the increase of salary to the men occupying that grade would give any better service? Oh, no. Has any friend of this bill undertaken to say that if section 3 is agreed to, that meat would be any purer, that it would be any better inspected than it is? Oh, no. My friend from Missouri laments about the hardship that these employees undergo, the long length of hours they are required to work, the dangerous work in which they are engaged, and things like that. My friend from Illinois [Mr. SABATH] laments seriously, because, as he says, 638 of them resigned some time ago. If the statement made by the gentleman from Illinois [Mr. KING] is correct—and I listened attentively to him last year—he successfully established the fact, from which there has been no appeal, that these inspectors in the city of Chicago were directly responsible for letting the foot-and-mouth disease get from under their control. I do not recall that any man at that time or since has taken the floor of the House and undertaken to defend them against that charge. If that charge is true, then, although there have 638 resigned, not enough of them have resigned yet. [Laughter.]

Mr. RAINEY. Will the gentleman yield?

Mr. COX. Yes.

Mr. RAINEY. I want to call the gentleman's attention to the fact that if 638 did resign, their places were immediately filled, and 30 or 40 more appointed.

Mr. COX. That is correct; there is no question about that.

Mr. RAINEY. The report that they make shows it.

Mr. COX. There is no trouble and no difficulty in filling these places at the salaries they are now drawing. I undertake to say that if you consult the civil-service eligible list, you will find 100 on the waiting list anxious and ready to take these positions at the present salaries.

Mr. SABATH. There is only this difference: That those that resigned are experienced men, and those who have been appointed are new men who do not know the business as did those who resigned.

Mr. COX. Yes; I had some experience in that myself in my own district last year. A man with 12 years' experience resigned; he let his year go by with the civil service, but he finally came to the conclusion that he had been getting better wages in this line of work than he could get in any private employment. I went from the Civil Service Commission to the Agricultural Department, and even to the President of the United States, trying to get him to issue an Executive order turning him back into the service. I could not do it, because they had already filled his place.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. COX. Yes.

Mr. BUCHANAN of Illinois. Does not the gentleman know that there has never been a period of time when the laboring man since 1800 has made an effort for reduced hours of labor or increased pay, but that the argument is made that there are always men ready to take their places?

Mr. COX. I can not yield for a speech. As to what effect an automatic promotion is going to have in the Agricultural Department, what are you going to do with the Forestry Bureau? Why do not you automatically increase their salaries? I undertake to say that scores of men are working in much more dangerous places than are these inspectors mentioned here. I undertake to say that the records will show that by far a larger number of men working in the Forestry Bureau have lost their lives than have lost their lives working in this line. Why do you not automatically promote their salaries? Take the Bureau of

Markets, a great department doing a splendid work. As I recall now, we gave it something like a \$500,000 appropriation. Why do not you provide for automatic increases of their salaries? Oh, you say, one reason why they ought to have the increase is because of the necessary transfer from one section of the country to another, and that their employment is such as to make it uncertain how long they will be occupied in the new assignment. How about the forestry employees? They are transferred all over the West from one place to another, and they can not tell from one day to another where they are going to be the next. How about the employees in the Bureau of Markets?

They can not tell from one day to the next where they are to be transferred. And how about the employees in the Bureau of Soils? They can not tell from one day to the next where they are going to be detailed for work. So, when you follow this argument that because of the uncertainty and tenure of their domicile their salaries ought to be increased—when you follow it to the last analysis—it has not a leg on which to stand. There is no merit in it. Now, the fathers of this bill I do not think are very numerous even on the Agriculture Committee. That is my candid judgment about it. They say they ought to have this increase because the new Army bill gives to the Army veterinarians rank and commission up to major, with pay and allowances of such office. The report goes on to say:

The maximum pay of a major is \$4,000 per annum; hence the Army veterinarian will be advanced to \$4,000 per annum, with quarters, fuel, and light free. It would appear that the salary provided for in this bill for bureau veterinarians is reasonable, especially so since the veterinarians provided for in this bill do not have quarters, fuel, and light furnished free.

Because the veterinarian in the Army gets \$4,000 a year, and because he gets fuel and light free—in my opinion too much, but that is the law—they say here that the veterinary inspector in the meat department ought to have \$2,400 also. There is a loophole and a provision in the bill whereby, if they can bring the proper pressure to bear upon the Secretary of Agriculture later on, they may be able to go to \$4,000 per year. Mr. Chairman, as I said, I do not want to appear to be too vehement against this bill, but I am constitutionally opposed to it. I am going to ask my Democratic friends whether or not they can vote for this bill, which will deliberately reach into the Treasury of the United States and take out of it \$309,000 the first year? As my friend from Texas said, no one has undertaken to say what it is going to cost from that time on, and the committee was very modest in undertaking to explain away that point.

The committee says that it is impossible to secure an accurate estimate as to what it would cost for the second, third, and fourth years. I quite agree with them that it is impossible, and yet it does seem to me that the Agricultural Department, provided with all of its experts, with all of its men who know how to follow this legislation out to its last analysis, ought to be able to say to the committee how much it will cost the second year. It is believed that the additional appropriation annually would be approximately \$300,000, they say. They say that these figures are based on the number of employees in the service on June 1, 1916, to be affected by this bill.

To repeat, no friend of this bill has undertaken to say, and I undertake to say no one will undertake to say later on, how much this bill is going to cost the second year, how much it will cost the third year or the fourth year; but we do know that the veterinary inspector's salary is increased from \$1,400 to \$2,400 per year at the rate of \$100 per year, and that when they reach the salary of \$2,400 per year they then have reached only the minimum salary. This much we do know, that the bill provides that the lay inspectors of grade 2 shall start at \$1,000 per year, and that they shall be increased \$100 per year until their minimum salary is reached, amounting to \$1,800 per year. We do know that the lay inspectors of grade 1 start at a salary of \$840 per year and increase at the rate of \$100 per year until the minimum salary reaches \$1,540 per year, and then the lay inspectors of grade 1 have been exceptionally cared for. They want to give them just a little bonus, and they have crowded an extra hundred dollars in if they are extra good men, because section 4 provides that after an additional year's satisfactory service the minimum salary shall be increased to \$1,600 per annum. That is lay inspector No. 1. If he is a good boy down there and is obedient and stands in and has the right kind of a pull, he has a chance to get an additional \$100 over and above his \$1,540 per year. Where is this increase in salary going to stop?

I have observed floating around through the newspapers the last three weeks different proposals as to where we are going to get the money to pay these enormous appropriations. I have observed in the press that some men high in the councils of our

party were possibly figuring on putting a duty on coffee, tea, and wool and things like that; but so sure as the night follows the day there will be absolutely no escape if we go on making these increased appropriations, increasing these salaries, from the fact that we will have to tax tea and wool and coffee or something else, because there is no escape from it, or be put in the ridiculous attitude, in the pitiable aspect, in time of peace with all the world, of the Government being compelled to issue bonds or certificates of indebtedness.

Mr. Chairman, all through my life economy has been a revenue producer. If I had not practiced economy I would have been in the poorhouse a long time ago, because I never was able to earn very much money. Every time I found that I was not earning enough to live on I began to cast about with a view of seeing whether or not I could not economize somewhere. I think that is a pretty safe principle for a legislative body, charged with the responsibility of collecting and disbursing the revenues of the Government, to act upon. You undertake to save a million dollars and you are met with the argument that it is bound to be expended and that the Government will be ruined if it is cut off. You undertake to save \$100,000 and you are met with the argument again that it is too small to fool with and that there is no use in paying attention to it. I have heard men privately say, Members of the House, that because we are called upon to spend tremendous sums for the Army and the Navy they are in favor of letting the boys out in the country get some of the money; that they are perfectly willing, if we vote these appalling sums for the Army and Navy, to increase the salaries of the Government employees, so that they may get something out of it.

That argument is unsound; it has no basis on which to stand at all. If the increase in the Army and Navy is wrong, let us stand up and vote against it. If it is right, let us stand up and vote for it; but let us not undertake to justify our votes upon these increases of salaries, forsooth, because everything is going to the Army and Navy.

Now, Mr. Chairman, I have detained this committee longer than I anticipated. This bill ought not to pass. It has no merit in it. It can not be defended upon any ground whatever, except the bare ground that it is a salary grab pure and simple. When any Members of the House want to vote for this legislation, let them do it with their eyes wide open that it is a salary grab, because no Member of the House has yet and no member of the committee has yet undertaken to show where, if the bill becomes a law, any better service will be given to the people as a result of it. If you want to vote it as a voluntary gift out of the Treasury of the United States, do it; but do it on that ground, because that is the only ground on which it can be maintained. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield seven minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, in my judgment, this bill can be defended on the ground that its beneficiaries are not properly paid servants of the Government. As one Democrat to whom my good friend from Indiana [Mr. Cox] has appealed, I am not the least bit afraid of the future either as to myself individually or to my party. I believe that the Democratic Party not only wants a living wage for men in the Government service but it also wants men in the Government service to be properly compensated for their services. Now, I know nothing about the situation in Chicago when certain employees of this bureau were alleged to have been either incompetent or negligent when the foot-and-mouth disease broke loose in that city. Some one man, or some two or three men, may have been lax in their inspection, but for myself I am unwilling to smirch an entire service because of a laxity of one or two individuals. Let me briefly tell this committee how much work these men have done in a single year—the last year. Mr. Chairman, the American Journal of Veterinary Medicine, in its last issue, states that the United States Meat-Inspection Service certified to the wholesomeness of 11,220,948,000 pounds of meat from 61,826,324 animals during the fiscal year ending June 30, 1916. During that period this bureau condemned 380,945 animals and 738,361 parts of animals, equivalent, sir, to about 84,320,000 pounds of meat. Now, in my judgment, these figures show at a glance the far reaching and vast importance of this branch of the Federal service in conserving the health of the people of this country. I know that the department of animal industry in the Commonwealth of Massachusetts is on record as stating that it is dependent at all times on the cooperation and assistance of the veterinary inspectors in the service of the United States Department of Agriculture in the control and eradication of contagious diseases among animals, as was testified when we had in our State not so long ago an out-

break of the foot-and-mouth disease. And I want personally to take this opportunity to compliment the employees of the Federal Government on the wonderful work they did in Massachusetts in stamping out that dread disease.

Now, Mr. Chairman, the reorganization of the United States Bureau of Animal Industry in 1906 fixed the present salary rate in the bureau and had but small consideration for its phenomenal growth and the extension of its activities, and, despite what my good friend from Indiana has stated, so far as I have been able to find out no change has been made in the salary scale since it was originally adopted. Let me say to the gentleman that the Lobeck bill in its purpose does not intend to place in easy circumstances the men who come within its provisions in view of the high cost of living, but it is intended to pay these men only what they deserve and to remedy something wrong which has existed too long.

With a 10-year-old salary basis, such as obtains to-day, you will readily realize that men performing such tasks and under such conditions as do the employees of this bureau certainly deserve a better rate of compensation. Other men, with less preparation and ability, in other walks of life, with nowhere near similar responsibility, generally receive compensation far in excess of the maximum salaries paid to these inspectors. For instance, the wages of the men employees of the various packing houses have been increased from 30 to 50 per cent for a nine-hour day, with extra compensation for overtime; yet the Government inspectors in the same establishments actively engaged in the most arduous and revolting kind of work very often work 12 hours per day without extra remuneration. This applies also to holidays and Sundays, and, in my judgment, some relief from the present condition of affairs is absolutely imperative. Salary promotions to these men have been few and irregular, and resignations of experienced men who enter other employment at a higher compensation have been many and are increasing.

To my own knowledge the men of the Boston branch have been working long hours in the packing houses in order that the tax-paying public may have its wholesome meats. I believe that the vast importance of this inspection service in conserving the health of our people is hardly realized.

Mr. Chairman, the Paymaster General of the United States Navy is on record as stating that the work of these men has been consistently excellent and that through their efforts the quality of foods delivered to the Navy has been materially improved, resulting not only in the Government getting better value for its money but in the men getting better food. Let me say, Mr. Chairman, that it is universally conceded among those who ought to know that the spirit of avarice existing at all times is held in check by these inspectors, and unscrupulous contractors are prevented from foisting deteriorated food products on the personnel of our Army and Navy.

I can not conceive that the beneficiaries of this proposed legislation are about to wallow in wealth if granted these increases. In my judgment, they will still be compelled to curtail their living expenses, even if this bill should pass. I ask the Democrats in this House to stand up for these faithful, hard-working, long-suffering employees of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. COX. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Indiana has 25 minutes and the gentleman from Kansas [Mr. DOOLITTLE] has 21 minutes remaining.

Mr. COX. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I do not expect to use much time in discussing this measure, but I rise to oppose it. It seems to me to be quite clear that it ought not to pass at this time. I have no disposition to take anything at all from the praise which the gentleman from Massachusetts [Mr. GALLIVAN] has bestowed upon these employees of the Federal Government. I desire to say that they are rendering a very efficient and very useful service. But during this week in the agricultural appropriation bill, this House granted all of them who receive a salary of less than \$1,200 a year an increase of 10 per cent, and all of them who receive over that up to \$1,800 per year we granted an increase of 5 per cent. And here to-day we are presented with a measure that would give the veterinary inspectors an automatic increase in addition to this increase

put on the Agricultural appropriation bill of \$100 per year up to that point where they would be receiving \$2,400 per year. And it seems to me that the Federal Treasury and the revenues in prospect for the next fiscal year are not in condition for such a display of generosity as that. I think that the membership of this House, both Democrats and Republicans, ought to show some tendency toward economy, and I do not think that a bill of this kind, taking into consideration the increases that have already been granted in the Agricultural appropriation bill, ought to be adopted by this House. As a Member of this body I have no criticism to direct at the employees of the Federal Government. I dare say that they, as a general rule, render efficient service and for the most part are earning the salaries which they receive. But I do sincerely believe that they are receiving on an average fully as much as the same grade of employment is receiving in others walks and avocations in this country. Yes, I will go further than that and will make bold to say that the statistics will show that in many cases they fare much better than the same class of employment in private life.

We are continually hearing the expression "Back to the farm." We are continually confronted with the question, "Why is it that our bright young men leave the farm and go to the towns and cities and enter industrial pursuits and mercantile pursuits and professional callings instead of agricultural vocations?" I noticed in a paper one day this week, under the head of "Things that we dislike to know," this little statement, that "the lure of the city to the farm boy is greater than the lure of the farm to the city boy." That is unmistakably true, and one reason for it is because the salaries and the remuneration in the mercantile pursuits, in the clerical pursuits, in the industrial pursuits, and in the professions, on an average, is much better than can be obtained on the farm. There is no use to try and dodge the facts. What I have said is so. And I say that it is time we were waking up to these conditions. But I will not prolong this discussion at this time. Mr. Chairman, I will say in closing that we owe these men mentioned in this bill fair and equitable consideration, and I believe that they are now receiving it and that now would not be an appropriate time to vote any additional increase in their salaries. [Applause.]

Mr. DOOLITTLE. Mr. Chairman, I believe we will have one more speech on this side before we finish.

Mr. COX. Then I yield the remainder of my time to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. RAINEY. Mr. Chairman, for the first time I appear in opposition to a salary increase which has apparently been awarded by a committee after proper investigation. I have received, as all of you have received, so many communications from different sections of the United States calling my attention to this bill and to the necessity for its passage that I have at last become interested in it, and during the progress of the discussion this afternoon I have been making some calculations as to the effect of this measure upon the Treasury of the United States which the committee did not make.

We are advised in the reports filed here that there are 3,150 employees engaged in this particular work. They are known as lay inspectors, grade 1; lay inspectors, grade 2; and then the inspectors themselves, who belong to the highest grade. Promotions may be made, according to this scheme, from one of these grades to the other. These young men enter the various grades from our veterinary colleges, just as young men who are graduates of our medical colleges enter as internes our hospitals, and these young men who are graduates of our medical schools are willing to serve for a period of years almost for nothing in those hospitals in order to get the experience. And you are arranging in this bill for a graduated increase in salaries from year to year and for the ultimate promotion of all these 3,150 employees until every one of them is an inspector, drawing at least \$2,400 a year?

Mr. BORLAND. Will the gentleman yield?

Mr. RAINEY. I yield.

Mr. BORLAND. I think the gentleman has overlooked this fact, that the veterinary inspectors must be graduates of a veterinary college or senior students in a veterinary college. There is no provision for promotion in the general way between lay inspectors and veterinary inspectors. It is possible a lay inspector might take the necessary scientific course and qualify himself, but he could not do so otherwise.

Mr. RAINEY. And if he did he would be entitled to these promotions which are contemplated.

Mr. BORLAND. And he should be.

Mr. RAINEY. Such a thing is possible.

Mr. BORLAND. Certainly. And possibly also he could take an examination in law or in any other science.

Mr. RAINEY. It is possible for every one of them under this bill to become inspectors, every one of these 3,150, within the next 10 years.

Mr. BORLAND. I hardly think so, because he would have to outside of his work take the scientific course, which is not—

Mr. RAINEY. Which involves studies in night schools, and there are five or six thousand young men here in Washington who are doing that very thing. I would be the last man in this House to oppose in any way the advancement of any young man. Every one of them, if he remains in the service, ought to try to advance. I am examining the effect on the Treasury of this remarkable bill in order to determine whether the Government can afford to embark on the particular enterprise outlined in the bill. A very simple analysis of this measure will show it to be the most outrageous and indefensible of all these salary grabs which are pushed here with so much enthusiasm. If this bill does not pass to-day, under the rules of this House it will not be a legislative possibility to pass it at all during the present session, and I intend to see that it does not pass to-day. By the time the next Congress convenes there may be such a sentiment aroused throughout the States against these salary grabs that a repetition of the exploits of this session will be impossible. An aroused public sentiment may even defeat in the Senate at this session the salary grabs which have already passed the House. If this result is not achieved at this session, I expect to renew the fight I am now making in the next Congress, and I may then have the assistance of Members who have heard from their constituents.

Now, assuming that these 3,150 are to be promoted to the grade of inspectors—of course, if they are pushed up, others will take their places in these lower grades—but assuming that none others do, and these 3,150 reach the grade of inspector, as the gentleman from Missouri [Mr. BORLAND] admits they may, that alone would mean a charge upon the Treasury of \$7,560,000.

Now, let us assume that that is impossible. The statement is made here in the report that this bill means an increase in the first year of \$300,000, and no more than that. We now appropriate for this service \$3,000,000. But the report is strangely silent upon what the increase will be the second year in the charge upon the Treasury, and upon what the increase will be the third year and in future years.

Now, assuming that none of these inspectors are to be promoted from one grade to the other; assuming that there will always be in this service—and it is an impossible assumption—only 3,150 men, and that 1,250 of them will be veterinary inspectors, the exact number we have now and no more, this bill, then, in this grade of inspectors alone, assuming that there will be 1,250 and no more, until the maximum salary provided here in the second section of this bill of \$2,400 takes effect, that will mean at that time an increase in the charge on the Treasury for veterinary inspectors alone of \$1,250,000.

That is the ultimate maximum aimed at in this bill if no more inspectors or lay inspectors of either grade are appointed.

Now, suppose the lay inspectors of grade No. 2, 1,100 of them, stay on the job, their vacancies being filled as they resign, until they get the maximum which is promised them in this bill of \$1,800 per year. We will start them in at \$1,000. That is \$800 more a year than they are now getting. When they get their maximum under this bill, there will be an additional charge on this account alone on the Treasury of \$880,000. And the same method of computation applied to the lay inspectors of grade No. 2 reaches an equally astonishing result. The increase per annum in this grade will ultimately be \$688,000. In other words, instead of an increase in the charge upon the Treasury of \$300,000, if we have no more inspectors than we now have—and everybody knows we will have twice as many three or four years from now—if we have no more than we now have, when these maximum rates take effect, even if the Secretary of Agriculture does not make any of the additional promotions provided for in this bill, we will have an additional charge upon the Treasury each year on this account alone, not of \$300,000 per year, but of \$2,818,000. To this amount must be added the \$300,000 estimated increase for the first year and the \$3,000,000 we now appropriate, making a grand total for this service of at least \$6,118,000.

Now, that is what this ill-considered bill means. But it is insisted that these gentlemen render a valuable service, and they do; and my friend from Massachusetts [Mr. GALLIVAN], for whom I have a high personal regard, and for whose judgment I also have great respect, called attention to the fact that these veterinary inspectors rendered most valuable service in his State in suppressing the foot-and-mouth disease. They rendered serv-

ice in my State. A whole army of them quarantined the animal husbandry portion of that State and every county in it. They have never yet even discovered, any of them, singly or collectively, the germ of the foot-and-mouth disease. No animal has ever been cured that suffered from the foot-and-mouth disease, and no animal ever got well, because they killed every one of them.

Now, after quarantining the State of Illinois, and after these inspectors had finished their magnificent work in the State of Illinois, \$4,000,000 worth of food animals had been killed and buried in quicklime. That is the remarkable work we got in Illinois from this branch of the public service. The State of Illinois paid half that expense, and the Federal Government was called upon to pay the other half of that enormous bill. They render a great service, a most valuable service; but the record they have made in the last two years does not entitle this branch of the Government service to the praise awarded to it so generously by my friend from Massachusetts.

Now, it is sought to sustain this bill upon the theory that the Civil Service Commission and the Chief of the Bureau of Animal Industry, one or both of them together, made certain promises to these young men when they entered this service; that they made certain promises to them of promotions and increases of salary. Now, let us see what those promises were and what we are doing to carry them out. According to the report filed here, an implied promise was given. But I do not admit the right of the Chief of the Bureau of Animal Industry to legislate; I do not admit the right of any bureau or commission of this Government to promise to give away the money in the Treasury. Great God! We are giving enough of it away ourselves. We do not need any help from the Civil Service Commission or Chiefs of the Bureau of Animal Industry. [Applause.] But, assuming that there is an implied promise here on the part of somebody connected with this Government to pay to these men some more money, let us see what that promise was.

Dr. Melvin states—and it is here in this report—that he promised these veterinary inspectors, if the funds appropriated for that purpose were sufficient, a maximum salary of \$1,800. With that understanding he says they entered this service. He has apologized to them because he has not been able with the appropriation at his command to advance them to \$1,800; at any rate, he had not so advanced them when his statement was made. But this bill not only makes good the extravagant promises of this bureau chief, but we go him \$600 better. We give them in this bill, because the Chief of the Bureau of Animal Industry promised them \$1,800, we make good on that promise and give them a maximum of \$2,400. The Chief of the Bureau of Animal Industry promised the lay inspectors, according to this report, in grade 2, a maximum salary of \$1,200 after they had served a period of years. We give them better than that, we give them in this bill not only what he says he promised them, but \$600 more, making \$1,800.

Mr. MADDEN. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MADDEN. These are minimum salaries fixed in the bill.

Mr. RAINEY. The gentleman is right. I thank the gentleman. Instead of promising them \$1,800, the amount they say the Chief of the Bureau of Animal Industry told them they would get ultimately, we give them a minimum of \$2,400 and a maximum limited only by the blue sky itself. [Laughter.] We go through all these different grades the same way, promising them not maximums, as I stated, but minimum salaries of the amounts I have mentioned. There is nothing in this bill to limit the number of those employed in this service. No wonder they have a lobby here in Washington supporting the bill and trying to get it through. There is not a thing limiting their number and there is not a single thing limiting the salaries they will ultimately get. There is enough in the report to show what they want ultimately. They want ultimately the salary of a veterinary inspector, who ranks as a major in the United States Army—\$4,000. That is the star to which they hitch their wagon. That is what they are reaching for. According to the present increase in the scope of this inspection business, the number engaged in it, by the time they get the minimum salary provided in this bill and before they get the maximum, will be many times the number now employed, and they will be formidable, indeed, in their demands on the National Treasury. When that happens we may as well assemble the representatives of all these various organizations of Government employees here in the National Capital and turn the Treasury over to them.

The alarming thing about the whole situation is the increase in the number of Government employees. It may be necessary at some time—I hope it will never be necessary—to take over the railroads of the United States and make the employees of

those railroads Government employees, with an opportunity to compel a timid Congress to increase their salaries. When that happens we might just as well turn the Government of the United States over to these salary grabbers who now collect in such alarming numbers around the Treasury of the United States.

There is a campaign being conducted throughout the United States to-day calling attention to "pork." "Cut it out; cut out the rivers and harbors; let our rivers and harbors fill up. Do not build public highways." We started on that project years and years ago before the days of the railroad. The great nations of the world have through all the centuries of the past been road-building nations; but in this country it is "pork." Do not build public buildings throughout this land. The great nations of antiquity built cathedrals and arches that did not pay a cent as they progressed in their careers, which have lasted for centuries. But this great Nation is to be denied that opportunity, because that is "pork." We must be satisfied here with the battleships that sail peaceful seas and rust out in 20 years of time. A ship costing \$22,000,000 is ultimately and in a comparatively short time sold for old junk, and brings \$2,000. That is not "pork." There is no "pork" in the amount you are paying industries that build these great ships for the Government. You do not even investigate that question.

But these other activities are "pork." When you go back home you can say to your constituents you are not to have a public building here to which you can point with some degree of pride, from which will float the Stars and Stripes, but we are going to increase the salaries of a couple of high-brow Government employees who live in this section; pin flags on them when they come home. That is the evidence of what this Government has done for you. We have increased their salary. Take that and be satisfied.

Now, I wish I could support these bills. It is easier at the present time when the public conscience seems deadened to support these bills than to oppose them. It is easier to vote for them than to have 100 men and more than that start out in your district announcing their opposition to you, because you have tried to protect all the taxpayers in your district. The real pork barrel to which I am trying to direct the attention of the country is this enormous salary grab participated in by 500,000 Government employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I suggest the absence of a quorum.

Mr. LEVER. Mr. Chairman, if the gentleman from Indiana will withhold that suggestion for a moment, it is now about 6 o'clock, and I do not see much prospect of getting this bill through to-day. I think the gentleman from Kansas would better move that the committee do now rise.

Mr. DOOLITTLE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALLEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture, and had come to no resolution thereon.

HOOR OF MEETING TO-MORROW.

Mr. MOON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, there will be a continuance of general debate to-morrow?

Mr. MOON. Yes. I do not know for just how long the House will order it.

Mr. STAFFORD. There will be liberal debate?

Mr. MOON. Debate is unlimited now. I do not know whether the House will agree to limit debate or not. Either way is acceptable to me.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, January 11, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting copy of a letter from the Chief of Ordnance to The Adjutant General of the Army setting forth the need of the Ordnance Department for an earlier increase in the numbers of the commissioned personnel than is carried by the national-defense act of June 3, 1916 (S. Doc. No. 667); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a draft of legislation for the sale of three abandoned customs boarding stations at New Orleans, La., known as the "Jump," Southwest Pass, and Pass a Loure, said properties being no longer required for the needs of this department (H. Doc. No. 1902); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting report of investigations relative to school facilities for the children of the Sioux Tribes within the various Sioux Indian reservations of South Dakota and Standing Rock Reservation of North Dakota (S. Doc. No. 670); to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, recommending legislation for the continuance of the Bureau of War Risk Insurance until September 2, 1918 (H. Doc. No. 1903); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Secretary of Commerce, recommending amendment of estimate of appropriations under the heading "Miscellaneous expenses, Bureau of Fisheries," for maintenance of vessels for the Bureau of Fisheries for the year ending June 30, 1918 (H. Doc. No. 1904); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, referring to a letter addressed to Congress under date of March 10 last, relative to the post office at Baltimore, Md. (H. Doc. No. 1905); to the Committee on Public Buildings and Grounds and ordered to be printed.

7. A letter from the Secretary of Labor, submitting report prepared in pursuance of section 10 of the act approved March 4, 1913, entitled "An act to create a department of labor (H. Doc. No. 1906); to the Committee on Labor and ordered to be printed.

8. A letter from the Secretary of the Treasury, recommending that authority be given to the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Cal., as said property is no longer required for the needs of the Government service (H. Doc. No. 1907); to the Committee on Public Buildings and Grounds and ordered to be printed.

9. A letter from the Secretary of the Treasury, referring to a letter addressed to Congress under date of April 17 last, wherein it was recommended that existing legislation relative to the new post office in New York City be supplemented by a provision authorizing the Secretary of the Treasury to accept a correctionary deed to the United States (H. Doc. No. 1908); to the Committee on Public Buildings and Grounds and ordered to be printed.

10. A letter from the Secretary of War, recommending that a proviso be inserted in the Army appropriation bill authorizing the construction of a machine-gun target range for the National Guard (H. Doc. No. 1909); to the Committee on Military Affairs and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of communication from the President of the Board of Commissioners of the District of Columbia submitting estimates of deficiencies in appropriations required by the District of Columbia for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1910); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy submitting estimate of appropriation for the erection in the city of Washington, D. C., of a suitable memorial to John Ericsson (H. Doc. No. 1911); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year 1918 (H. Doc. No. 1912); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting additional estimates for the construction of two new

projects of the Reclamation Service for the service of the fiscal year 1918 (H. Doc. No. 1913); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy submitting a supplemental and additional estimate of appropriation for engineering, Bureau of Steam Engineering, for the fiscal year 1918 (H. Doc. No. 1914); to the Committee on Naval Affairs and ordered to be printed.

16. A letter from the Secretary of the Treasury, submitting amended and additional estimates of appropriations for Bureau of Engraving and Printing for the fiscal year 1918 (H. Doc. No. 1915); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19067) to authorize aids to navigation, and for other works in the Light-house Service, and for other purposes, reported the same with amendment, accompanied by a report (No. 1272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 1273), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLACKMON, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 318) authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the Third National Convention of the Young Men's Business Associations of America, reported the same without amendment, accompanied by a report (No. 1274), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 1271), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7120) granting a pension to Robert A. Imrie; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11903) granting an increase of pension to Charles B. Boyd; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15353) granting a pension to Louisa Donnelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17340) granting a pension to Margaret A. Weed; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17347) granting an increase of pension to William E. Meadows; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18092) granting an increase of pension to Eldie E. Sterrett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19488) granting an increase of pension to George Edward Blackmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19614) granting a pension to Nellie P. Keliher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 4667) for the relief of James Duffy; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 19938) providing for the return of postal cards and post cards without payment of additional postage; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: A bill (H. R. 19939) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Wathena, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 19940) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls to the city of Nortonville, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 19941) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls to the city of Horton, Kans.; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 19942) to provide for the construction of a dam and reservoir in the North Platte River near Guernsey, Wyo.; to the Committee on Appropriations.

By Mr. HULBERT: A bill (H. R. 19943) to appropriate \$510,000 for the improvement of Newton Creek, N. Y., including Dutch Kills, Maspeth Creek, and English Kills; to the Committee on Rivers and Harbors.

By Mr. BEALES: A bill (H. R. 19944) to authorize and direct the Secretary of War to acquire, by purchase, certain lands embraced within the battlefield of Gettysburg, and making appropriation therefor; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 19945) authorizing an exchange of lands between the United States and the heirs of S. G. Little; to the Committee on the Public Lands.

By Mr. BORLAND: Resolution (H. Res. 438) authorizing the printing as a House document the pamphlet entitled "Railway strikes and lockouts"; to the Committee on Printing.

By Mr. CARLIN: Joint resolution (H. J. Res. 336) extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19937) granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House on the state of the Union.

By Mr. ALLEN: A bill (H. R. 19946) granting a pension to Louis Brockman; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 19947) granting an increase of pension to George M. Burns; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 19948) granting an increase of pension to Albania D. Thornburgh; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 19949) granting an increase of pension to August Grantz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19950) granting an increase of pension to Albert J. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19951) granting a pension to Lewis S. Duckworth; to the Committee on Pensions.

Also, a bill (H. R. 19952) granting a pension to Keziah Zink; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 19953) granting an increase of pension to John Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19954) granting a pension to Benjamin F. Sweet; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19955) granting a pension to David N. Embrey; to the Committee on Pensions.

Also, a bill (H. R. 19956) granting an increase of pension to Alfred S. Mason; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19957) authorizing the appointment of George W. Brinck as second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. COLEMAN: A bill (H. R. 19958) granting a pension to M. R. Smith; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19959) granting an increase of pension to James W. Swartz; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 19960) granting an increase of pension to Lewis W. Carlisle; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 19961) for the relief of the heirs of Jacob Theiss; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 19962) granting an increase of pension to Anna M. Moak; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19963) granting a pension to Maud M. Smith; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 19964) granting a pension to Frank F. Randolph; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19965) granting an increase of pension to Martin L. Rex; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19966) granting an increase of pension to Robert W. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19967) granting an increase of pension to Burton Gillaspie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19968) granting an increase of pension to Thomas F. Chafee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting a pension to Rosanna Raines; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19970) granting an increase of pension to Elizabeth P. Bickhart; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19971) granting an increase of pension to William A. Burns; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19972) granting an increase of pension to James N. Davis; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 19973) granting an increase of pension to John L. Grimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19974) granting a pension to Mrs. George E. McCartney; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 19975) granting a pension to George G., Werner L., and Josephine J. Hoffman; to the Committee on Pensions.

By Mr. MCCLINTIC: A bill (H. R. 19976) granting a pension to Lester Longmire; to the Committee on Pensions.

Also, a bill (H. R. 19977) for the relief of the heirs of W. R. McGuire; to the Committee on War Claims.

By Mr. MAPES: A bill (H. R. 19978) for the relief of Janna Stoppels; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 19979) granting an increase of pension to Upton J. Hammond; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 19980) granting an increase of pension to Thomas W. George; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 19981) granting an increase of pension to Hiram Burroughs; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19982) granting an increase of pension to Effie A. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19983) granting an increase of pension to Orlin Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19984) granting an increase of pension to John A. Geiger, jr.; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 19985) granting a pension to Byron Pierce; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 19986) granting an increase of pension to Adam Gilfillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19987) granting an increase of pension to Oliver Orn; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19988) granting an increase of pension to Casander H. Bolen; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 19989) granting a pension to Frederick E. Ogle; to the Committee on Pensions.

Also, a bill (H. R. 19990) granting a pension to John C. Bell; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 19991) for the relief of Thomas Spurrier; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 19992) granting an increase of pension to Herman G. Weller; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 19993) for the relief of William J. Kerrigan; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 19994) granting an increase of pension to Benjamin B. Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19995) granting a pension to William Poland; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 19996) granting an increase of pension to Daniel M. Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19997) granting an increase of pension to John Toliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19998) granting an increase of pension to Ephraim J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19999) granting a pension to Julia A. Gardner, widow of James R. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of Evansville, Ind., against all prohibition bills; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Annette M. Herbert and others, of Kansas City, Kans., asking for certain pension legislation; to the Committee on Pensions.

By Mr. ASHBROOK: Evidence to accompany House bill 19887, for relief of James F. Lingafelter; to the Committee on Invalid Pensions.

Also, petition of Frank Verheyen and 387 other citizens of Newark, Ohio, against House bill 1896, Senate bills 4428 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. AYRES: Petition of sundry citizens of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of John M. Evans, Alex Baxter, William Turncliffe, John Truscott, D. J. Sproul, William Buzzer, George Jones, William Younkers, William Richards, William Voyce, Howard Williams, P. P. Cully, Charles Lees, S. Hulick, G. W. McCloskey, Nesbit Baxter, James T. Bray, David Hollabaugh, Charley Paul, B. C. Brown, Frank Lyson, John C. Fisher, John E. Fisher, Daniel Wagstaff, T. H. McCloskey, Joseph Moore, M. C. Lydic, W. L. Murphy, Peter Peden, Edward Charles, Thomas Lidwell, John Theys, Hugh Murphy, John Monavise, Alex Barbara, William Wilt, Frank Porch, Fred Jewitt, Thomas Stewart, L. C. Crum, G. Moond, Robert Horten, William Price, and John Parvic, all of South Fork; William Connolly and Thomas C. Cassidy, of Ehrenfeld; William Stewart and Charles Stuger, of Summerhill; David Baxter, of Portage; and Harold Kay, of Dunlo, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessities of life; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Conrod, John Yeckley, J. W. Schade, William Joop, S. J. P. Schellig, D. R. Lantz, J. F. Bircher, M. M. Blatt, H. F. Brangord, H. I. Keirn, S. E. Ross, C. H. Ulrick, F. F. Brunell, G. W. Shellenberger, J. L. Detwiler, G. L. Richardson, Ira M. Kantner, and S. J. Long, all of Juniata; W. H. Shellenberger, G. W. Heaton, O. E. Cump, and H. C. Graham, all of Altoona; and David Coughenour, of Greenwood, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessities of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of Daniel E. Lym, of Port Huron, Mich., in favor of special life-saving medal-of-honor bill; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens, heartily indorsing House bill 16060, the Lobeck bill; to the Committee on Agriculture.

Also, memorial of Bronx Aerie, No. 491, Fraternal Order of Eagles, in re increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of New York Building Managers' Association, of New York, in re coal shortage; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Man-Suffrage Association, opposed to political suffrage for women, of New York, in re woman suffrage; to the Committee on the Judiciary.

Also, memorial of Empire State Society of New York, indorsing House bill 269; to the Committee on Public Buildings and Grounds.

Also, petition of Frank C. Carder, of New York City, in favor of House bill 19423; to the Committee on Military Affairs.

By Mr. CARY: Petition of Green Bay Continuation School, relative to vocational-education bill; to the Committee on Education.

Also, petition of Yahr & Lange Drug Co., of Milwaukee, Wis., against Randall rider to Post Office bill; to the Committee on the Post Office and Post Roads.

Also, petition of sundry publishing companies, against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of American Federation of Teachers, relative to increase in pay of public-school employees of the District of Columbia; to the Committee on the District of Columbia.

By Mr. COADY: Petitions of citizens of Baltimore and Baltimore County, Md., against passage of prohibition bills; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of James H. Buchard and other residents of Kenosha, Wis., asking that the Government confiscate the railroads of the country; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Brooklyn Civic Club, against modified Jamaica Bay project; to the Committee on Rivers and Harbors.

By Mr. DALE of Vermont: Petition of letter carriers and clerks of Bellows Falls, Vt., for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Texas: Petition of Queen Manufacturing Co., of Chillicothe, Tex., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Petition of 124 post-office employees, asking increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Des Moines Lodge of Danish Brotherhood of America, relative to naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petitions and memorial of sundry citizens and corporations, in reference to proposed increase in second-class postage and 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of John E. Conzelman, of St. Louis, in re conditions in foreign countries and suggesting method of relief; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Missouri, in favor of 1-cent "drop" postage; to the Committee on the Post Office and Post Roads.

Also, petitions and memorials of sundry citizens and organizations, against prohibition measures now before Congress; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of sundry citizens of the State of New Jersey, against prohibition bills; to the Committee on the Judiciary.

Also, petition of Commercial National Memorial Association, Flemington, N. J., favoring House bill 18721, relative to memorial to the Negro soldiers and sailors; to the Committee on the Library.

Also, memorial of the Philadelphia Committee, relative to pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of A. S. Wilson, of Woodbury, N. J., favoring suffrage; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of citizens of Alameda County, Cal., protesting against the Belgian deportations, etc.; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of James G. Mertlik and 23 others, of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FARR: Petition of John M. Wagner, William J. Sutton, and other members of Washington Camp, No. 333, Patriotic Order Sons of America, Scranton, Pa., favoring an equitable price on food products; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of 2,750 citizens from the State of Michigan, favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Economy Printing Co., of Chicago, Ill., favoring House bill 18986 and Senate bill 4429, excluding certain advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of R. G. Jones, of Rockford, Ill., favoring vocational education; to the Committee on Education.

Also, petition of the Christian Herald and Ottawa (Ill.) Aerie, No. 798, Fraternal Order of Eagles, against increase in

postage on fraternal magazines; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Boston Council of the F. O. E. F., in re foreign relations; to the Committee on Foreign Affairs.

Also, petitions of sundry publishing companies of the United States against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GRAY of New Jersey: Petitions of sundry citizens of New Jersey, opposing prohibition bill; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 19322, granting an increase of pension to Joseph McNeight; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of J. S. Berry, grand secretary Fraternal Order of Eagles, Kansas City, Mo., against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: Petition of citizens of Clarkston, Mich., against passage of the Shields, Myers, and Phelan bills; to the Committee on the Public Lands.

By Mr. KING: Petition signed by Mr. W. W. Hatt, president, and Mr. H. L. Ingersoll, secretary, of the Fraternal Order of Eagles of Galesburg, Ill., opposing section 10 of House bill 19410; to the Committee on the Post Office and Post Roads.

Also, petition signed by Mr. Bernard Deters and 350 members of Local No. 263, International Union of United Brewery Workmen, of Quincy, Ill., protesting against the passage of the following bills: House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition signed by J. W. Tutt, H. C. Harris, Charles H. Bauch, and John Foltz, of Quincy, Ill., praying for legislation increasing salaries of custodian forces in Federal buildings; to the Committee on Appropriations.

Also, petition signed by Rev. William T. Beadles, Sergt. F. A. Hotchkiss, and Mrs. Gahllager, of the Soldiers' Home, Quincy, Ill., praying for prohibition; to the Committee on the Judiciary.

Also, petition of the Emmanuel Church of Galesburg, Ill., by its pastor, praying for legislation prohibiting circulation of liquor advertising and solicitations through the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of Galesburg, Pa., against House bill 18986; to the Committee on the Judiciary.

By Mr. McLEMORE: Petition of citizens of the State of Texas, against passage of any prohibition bills, etc.; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition of 42 citizens of Napoleon, Henry County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of St. Louis Typographical Union No. 8, National Druggist, R. W. Boisselier, and T. P. Kidd, of St. Louis; J. G. Boden of Pine Lawn; and the Fruit Grower, of St. Joseph, all in the State of Missouri; Smith & Lamar Publishing Agents, of Nashville, Tenn.; The Christian Herald, Hardware Age, and The Packer, of New York City, protesting against the amendment to the Post Office appropriation bill providing for a zone system; to the Committee on the Post Office and Post Roads.

Also, petitions of St. Louis Times, Westliche Post, St. Louis Globe-Democrat, St. Louis Republic, St. Louis Post-Dispatch, and St. Louis Star, all of St. Louis, Mo., protesting against House bill 18986, the Randall mail-exclusion bill, and also to the rider to the Post Office appropriation bill providing for a zone system; to the Committee on the Post Office and Post Roads.

Also, petition of Coopers' International Union, Local 37, of St. Louis, Mo., against all prohibition bills; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of 644 citizens of Indianapolis, Ind., against passage of House bill 18986; to the Committee on the Judiciary.

By Mr. PATTEN: Petition of Retail Liquor Dealers' Association against prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of sundry citizens against prohibition bills now before Congress; to the Committee on the Judiciary.

By Mr. PRATT: Petition of 66 voters in the Methodist Church of Elmira, N. Y., by William Windnaght, president of the board of trustees, favoring prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

Also, petition of Elmira (N. Y.) Printing Pressmen and Assistants' Union, No. 187, Joseph W. Mann, secretary, and Gus Bacon, president; also T. J. Wagstaff, of Pulteney, N. Y., protesting against the passage of House bill 18986 and Senate bill 4429 as vitally affecting the printing business; to the Committee on the Post Office and Post Roads.

Also, petition of Roy E. Bartholomew, F. L. Cary, and 58 other citizens of the town of Horseheads, county of Chemung, in New York State, protesting against the use of the United States mail by liquor interests for advertising purposes; to the Committee on the Post Office and Post Roads.

Also, petition of W. T. Henry, John Huff, Seth Winner, J. J. Fennell, L. Hoffman, and 41 other citizens and voters of Elmira, N. Y., re prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

Also, petition of Riverside Methodist Episcopal Church, of Elmira, N. Y., with a membership of over 350, by Rev. George E. Hutchins, pastor, favoring prohibition in the District of Columbia, national constitutional prohibition, and legislation to exclude liquor advertisements and solicitations from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of 200 voters of the First Methodist Church of Elmira, N. Y., through Dewitt S. Hooker, favoring District of Columbia prohibition, national constitutional prohibition, and all other bills which would restrict the liquor traffic; to the Committee on the District of Columbia.

Also, petition of 125 voters of the Disciples' Church, of Elmira, N. Y., by A. L. Streeter, official board chairman, favoring prohibition in the District of Columbia and national constitutional prohibition; to the Committee on the District of Columbia.

By Mr. ROWE: Memorials of the City Club, of New York; Hogan & Son, of New York; the Rotary Club, of New York; and the Christian Intelligencer, of New York, in re changes in existing postal law; to the Committee on the Post Office and Post Roads.

Also, memorial of Cigar Makers' International Union of America, Local Union, No. 132, of Brooklyn, N. Y., opposing national-wide prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Bexar County, Tex., protesting against certain prohibitory legislation; to the Committee on the Judiciary.

By Mr. STINESS: Petitions of Local Unions Nos. 245 and 166. United Brewery Workmen; Teamsters and Chauffeurs' Union, No. 180; and Bartenders' Union, No. 285, all of Providence, R. I., against prohibition bills; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of Sundry citizens of Berkshire, Mass., for suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of Holyoke, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WM. ELZA WILLIAMS: Petition of citizens of Quincy, Ill., relative to prohibition bills; to the Committee on the Judiciary.

SENATE.

THURSDAY, January 11, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that amidst the pressing cares that are constantly presented to us, taking our attention and our labor, Thou dost still keep alive within us a spark of life Divine. While much of our thought is held within the boundaries of space and time, there are yet aspirations and hopes that reach out toward God, and powers within us that reason of soul, and immortality, and freedom. We bless Thee that Thou dost lead us on; that Thy Spirit still abides with us. We pray that we may measure up to God's great object and purpose in our Government and in our individual life to establish righteousness among the people. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Clark	Fernald
Bankhead	Chamberlain	Culberson	Fletcher
Brady	Chilton	Curtis	Gallinger
Brandegee	Clapp	Dillingham	Gronna

Harding	Lodge	Robinson	Sutherland
Hitchcock	McCumber	Saulsbury	Swanson
Hollis	McLean	Shafroth	Thomas
Hughes	Martine, N. J.	Sheppard	Tillman
Husting	Myers	Sherman	Townsend
Johnson, Me.	Nelson	Simmons	Vardaman
Johnson, S. Dak.	Norris	Smith, Ariz.	Wadsworth
Jones	Oliver	Smith, Ga.	Walsh
Kenyon	Overman	Smith, Mich.	Watson
Kern	Page	Smith, S. C.	Williams
Kirby	Polindexter	Smoot	Works
Lane	Ransdell	Sterling	
Lea, Tenn.	Reed	Stone	

Mr. VARDAMAN. I have been requested to announce that the senior Senator from Tennessee [Mr. SHIELDS] is detained from the Senate on account of illness, and also that the junior Senator from Kentucky [Mr. BECKHAM] is detained on account of official business.

Mr. CHILTON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. GORF] is absent on account of illness.

Mr. WALSH. The Senator from Maryland [Mr. LEE] is absent on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

NOMINATION OF WINTHROP M. DANIELS.

Mr. CLAPP. Mr. President, I desire to call attention to the fact that the RECORD of yesterday's proceedings does not state the announcement of the Senators who announced their pairs as to how they would vote if they were not paired. A number of Senators—and I was one of the number—announced how they would have voted had they been free to vote. I think the RECORD should be corrected to show those announcements.

The PRESIDENT pro tempore. The Chair thinks that any correction of the publication regarding the executive session should be made in executive session.

Mr. CLAPP. I make it in open session. Others may make it in executive session if they desire.

Mr. NORRIS. It was ordered that the roll call should be published in the RECORD. If the roll call as published is not right in the announcement of the pairs, the correction, I should think, ought to be made in open session, where it was ordered that the record should be published.

The PRESIDENT pro tempore. Is there objection to a correction of the RECORD as requested by the Senator from Minnesota?

Mr. MARTINE of New Jersey. I should like not only to correct the Senator's position, but I should like to correct my own.

Mr. CLAPP. I called attention to the entire matter and asked that the RECORD be corrected to show how each one stated he would vote if not paired.

The PRESIDENT pro tempore. The Chair thinks a matter of this sort should properly be discussed first in executive session. The Chair is informed that it is impossible for the clerks at the desk to take down in executive session the statements made by Senators of their position, because they are not prepared in executive session to do that.

Mr. CLAPP. Mr. President, then I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLAPP. I ask that the RECORD show that on the roll call referred to, on page 1248, proceedings of January 10, when my name was called, I announced that if at liberty to vote I would vote "nay." I make this statement because the Senate in executive session voted that the record be printed in the permanent RECORD of the Senate.

The PRESIDENT pro tempore. The Chair in justice to the clerks will state that the order as stated to the Chair was that the vote and the pairs be printed in the RECORD, and the RECORD seems to comply with the order.

Mr. CLAPP. I would not for a moment be understood as reflecting upon the action of the clerical force. I ask, as a matter of privilege, that the RECORD be corrected.

Mr. MARTINE of New Jersey. Mr. President, I ask that in my own case, similar to that referred to by the Senator from Minnesota, the RECORD may be corrected. I gave the reasons, and stated that if I had the opportunity I would vote "nay." I should like to have the RECORD corrected in my case. I have no doubt the clerks did all that they understood it was their duty to do at the time.

Mr. NORRIS. I should like to make the same correction, although I can not do it as a matter of personal privilege, because the announcement I made was for an absent Senator. I